

COPY No.

RECORD of PROCEEDINGS

of the

TRIAL BY

CANADIAN MILITARY COURT

of

ROBERT HÖLZER, WALTER WEIGEL,

and

WILHELM OSSENBACH

held at

AURICH, GERMANY,

25 MARCH — 6 APRIL, 1946

VOLUME II

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25th March 1946 to 6th April 1946

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EXHIBIT "C"
R.D. McBurney A/V/M
President

SWORN STATEMENT OF
ROBERT HOELZER

Place: OHLADEN
Date: 13 September 1945

I, BENJAMIN SCHUELINGKAMP, Tec 5, ASN 39708711, Hq Seventh Army, War Crimes Det., in French Occupied Germany, APO 758, US Army, having been duly sworn, state: That I acted as sworn interpreter in this matter; that I truly translated the oath administered by Capt. RODOLFO F. APONTE, INF. O-406762, Hq Seventh US Army, War Crimes Det., French Occupied Germany, APO 758, US Army, to ROBERT HOELZER, That thereupon he made and subscribed the foregoing statement in my presence and that the following is a true and correct translation of said statement to the best of my knowledge and ability:

My name is ROBERT HOELZER, born Nov 10, 1909 in BARMEN. I am single, an office worker and live in OHLADEN, 139 Duesseldorfer Street.

About the end of March 1945 enemy fliers landed in OHLADEN and vicinity. At the time I was Sgt. with the field gendarmerie search patrol. I was at the military town headquarters of Ohladden located next to the building of the Kreisleitung. I received an order from Major BUEHL to report to Oberleutnant SCHAEFER at the Kreisleitung concerning the transfer of captured fliers. When I reported at the Kreisleitung I was told that Oberleutnant SCHAEFER had gone to the landing place. I went off in my car. I met two soldiers at the employment bureau, carrying a wounded flier they had captured. At this same moment, Oberleutnant SCHAEFER came from the same direction that the soldiers came with the captured enemy flier. I questioned the two soldiers about the prisoner I was supposed to take away. At the same moment I was asked by Lt. SCHAEFER, "are you the man that drives here?" My answer was "yes." I had them send the flier in my car and rode with him under orders to the building of the KREISLEITUNG. He was taken to the backyard of the building and seated on the step. Shortly after this two more captured fliers were brought to the backyard of the KREISLEITUNG and held there. Then they were, (these two uninjured fliers) taken into the orderly room of the Volksturm and held there. The injured one of course was taken into an adjoining room and placed into a bed where he received first aid and was taken care of by the Volksturm soldier BROICHHAUS.

I received an order by Lt. SCHAEFER to drive him and one of the enemy flying officers to the Div. Hq., for interrogation. One of the three was an officer. I called the flier and had him climb into my car. Oberleutnant and I rode away with him. On the way to the Div. staff we met a 1st Sgt of the field gendarmerie who had another captured flier with him. Lt. SCHAEFER let the prisoner and the 1st Sgt. climb in. Later I found out that the name of the Sgt was KOENLICH. We rode to the Div. staff where Lt. SCHAEFER and I was sent back with our car. The two captured fliers stayed there, also the 1st Sgt. KOENLICH. We, the 1st Lt SCHAEFER and I rode back to the KREISLEITUNG in OHLADEN. I was still sitting in my car. O Lt. Schaefer gave me the order to get one of the two fliers that were turned in last and have him climb in. Lt. SCHAEFER then gave an order to a Volksturm soldier to send a man along. He then came,

the Volkssturm soldier BROICHHAUS whom I know now. I asked the OBERLEUTNANT where to I should ride, to this I got an answer, "ride along". We rode through OLLADEN. At the exit of the city Lt. SCHAEFER ordered to turn right in the direction to the woods. The VOLKSSTURM soldier BROICHHAUS called Lt. SCHAEFER to attention that we were surely riding the wrong way and that there was no road to ride on. He received an answer to keep his mouth shut, we ride where I command.

I can't recollect each one of the curses correctly. In the woods I refused to ride any further because it was impossible on account of all the bomb craters. The OBERLEUTNANT ordered us to get out, in his hand I saw a revolver. Now, the intentions of the OBERLEUTNANT were clear to me. O Lt. SCHAEFER and I had walked already a few meters ahead. Then the Lt. turned around back to the car and yelled at BROICHHAUS to get out of the car including the captured flier. BROICHHAUS and the captured flier followed the OBERLEUTNANT. I then went to the OBERLEUTNANT and told him: Must this be? To this he turned at me with the words, "it is certain and my order is being carried out". He then said, "So, Mr. Sgt. now you can show that you are a man and with this he made a motion with his hand to shoot the flier that was walking ahead of me. I refused the order with these words: I do have an order to drive, there are also others here if you can take the responsibility. He called me a coward and all sorts of names and that he was going to report me for refusing an order. Then he yelled at the Volkssturm soldier and called him the meanest things. What, I don't know anymore. He then ordered the Volkssturm soldier to shoot and kept going further with the prisoner and the Volkssturm soldier while I went back to the car. I continually heard from the distance how the OBERLEUTNANT gave the threatening order to shoot. After a short time the Oberleutnant SCHAEFER and the volkssturm soldier came back without the flier. I expected the worst. I could not hear a singular shot because of the shooting going on at the front opposite the Rhine.

Oberleutnant SCHAEFER the VOLKSSTURM soldier and I rode back to OLLADEN where the two got out at the KREISLEITUNG. O Lt. SCHAEFER ordered me to wait and I went to the WACHE, (Place of the guards) to go to the injured captured flier, there I met a doctor. I was called by a runner and received from O. Lt. SCHAEFER an order in the presence of a few high ranking officers to ride again to the Div. staff. I then rode to the Div. staff where the Ober Feldwebel and the two captured fliers were waiting. We, the two fliers and I, including O feldwebel KOENLICH rode to WERMELSKIRCHEN to turn the fliers over at a camp. The prison camp was transferred on account of the war conditions. We were told at a substation (Dienststelle) of a French camp to turn the fliers over at the prison of the Police, which was also in Wermelskirchen.

An old Police official opened the door and received the two fliers including their equipment and their private articles, and signed for the deliverance of the fliers. We rode back to OLLADEN, but in DABRINCHAUSEN we made a stop because first Sgt. KOENLICH wanted to make a private visit. I reported back at the KREISLEITUNG like I was told by O Lt. SCHAEFER at the beginning of the trip. I had a little to eat in the orderly room of the Volkssturm and an order was given to me, (I can't recollect by whom)

to lead the injured flier. When I came to my car, the flier was already loaded in, also two Volkssturm soldiers. The OBERLEUTNANT drove up to me in his car and ordered to follow his car. On a hillside near the woods in the vicinity of LEICHLINGEN he made a stop and let the Volkssturm soldiers load out the flier. In the meantime I turned my car and suggested to the O Lt. to take the man to a hospital. This he refused, he also had an order and I should not bother about it. He, the O Lt. SCHAEFER had the man sit down and gave me an order, go ahead, this time you don't get by with it. I refused the order but he gave me to understand to carry out the order. When I showed a defensive position again, he pulled his pistol, held it against me and said: "Do you want to, or don't you want to?" Then I gave the impression a few times as if I had Ladehemmung, (jamming of the pistol) again the O Lt. threatened me with his pistol. "Man, don't you want to?" If I, during this excitement and under the threat of the pistol really shot, I do not deny it, anyway, the O. Lt. came and pushed aside and shot at the flier.

If he shot once or more often I don't know anymore. My begging to bury the man he refused. The two volkssturm men OSSENBACH and WEIGEL were also present at this occasion. The O. Lt. got into his car which was not far from the place and said to me, We two are not finished as yet. I then went into my car with the Volkssturm soldiers and rode back to OPLADEN.

Shortly before the occupation by the Americans I was wanted by the SS Gestapo on account of this matter. Only the luck that I wasn't in OPLADEN anymore save me from the hands of the Gestapo. Especially they found out that I was not in the party and that I had been before the district court of DUESSELDORF about Treachery and attack against the party and the state, and that I had been in the Political Prison in ANRATH for a year and a half and this from 1937-1939.

At the beginning of this interview I was warned of my right to remain silent if I so desired, that I could refuse to answer any questions made to me and that anything I said could be used against me. I fully understood my rights and all my statements have been made voluntarily, without fear of threat or promise of reward. I likewise fully understand the consequences of my confession and that I will be brought to trial on that account. This confession, consisting of 8 pages I have made in my own handwriting this 13th day of September 1945, in the city jail, OPLADEN, Germany.

.s. ROBERT HOELZER

BERNARD SCHUELINGKAMP
Tec 5 39 708 711

Subscribed and sworn to before me at BAD NEUENAUER,
Germany, this 18th day of October 1945.

GILBERT F. MC GREEVY JR
1st Lt., AUS
Investigating Officer

EXHIBIT "C"
R.E. McBurney A/M
President

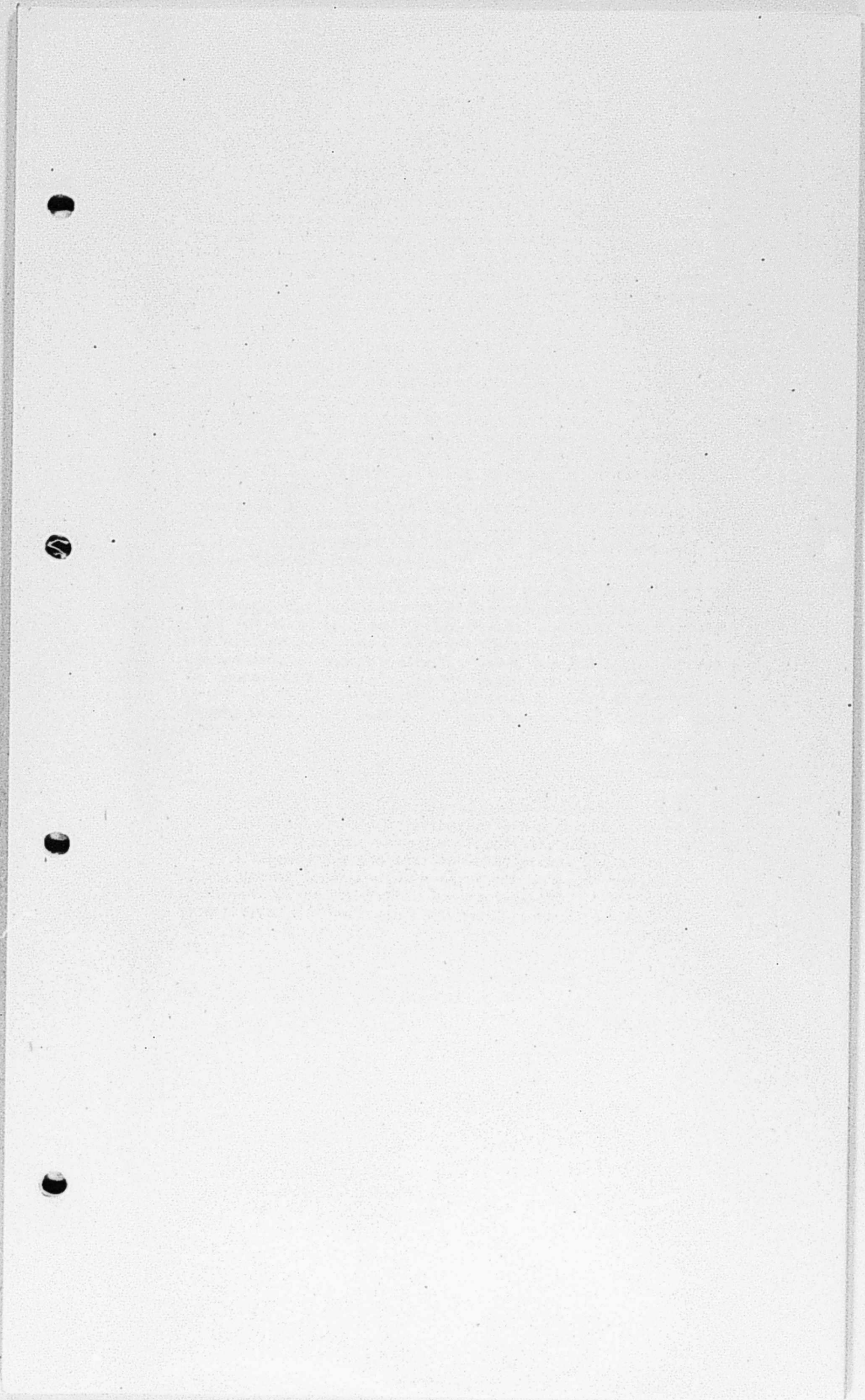
Sworn Statement OF
Robert Hoelzer

Place: Opladen, Germany
Date : 13 September 1945

Before me, R.F. Aponte, INF., Capt., O-406762, Hq 7th A War Crines Det French Occ Germany, APO 758, being authorised to administer oaths, personally appeared ROBERT HOELZER, who having been first duly sworn by me through the interpreter Bernard Schuelinkamp, Goc 5 39708711, Hq 7th A War Crines Det French Occupied Germany, APO 758, made and subscribed the following statement:

Mein Name ist Robert Hoelzer, geboren am 10. November 1909 in Barmen. Ich bin ledig, und Büroangestellter, und wohne in Opladen, Dusseldorferstr. 139. Ungefähr Ende März 1945 landeten feindliche Flieger in Opladen und in der Umgebung. Zur Zeit war ich Feldwebel und bei der Feldgendarmie (Sicherheitsreifed). Ich war bei der Ortskommandantur Opladen, neben dem Gebäude der Kreisleitung stationiert. Ich bekam von Major Büchl den Befehl, mich bei der Kreisleitung bei einem O. Leutnant Schaefer zu melden - Zweck Ueberführung von gefangenen Fliegern. Als ich im Gebäude der Kreisleitung mich meldete - sagte man mir O. Leutnant Schaefer sei zu der Abspringstelle gefahren. Ich bin dann mit meinem Wagen weggefahren - am Arbeitsort traf ich zwei Soldaten die einen verwundeten Flieger trugen, den sie gefangen nahmen. In diesem Moment kam O. Leutnant Schaefer aus der Richtung, wo auch die Soldaten mit dem feindlichen Flieger herkamen. Ich erkundigte mich bei den Soldaten um den Gefangenen den ich ueberführen sollte. Im selben Augenblick fragte mich der O. Leutnant Schaefer: "Sind Sie der Mann der hier fahren soll?" Meine Antwort war "Ja". Ich liess den Flieger in meinen Wagen setzen, und fuhr mit denselben auf Befehl zur Kreisleitungsgebaude. Er wurde in Hinterhof der Kreisleitungsgebaude auf der Treppe gesetzt. Kurz danach wurden zwei weitere gefangene Flieger eingebracht und auch auf den Hof der Kreisleitung in Verwahr gehalten. Sie wurden dann, die zwei gesunden Flieger auf der Dachstube der Volkssturms festgehalten. Der Verwundete dagegen - ins Nebenzimmer ins Bett gelegt. Dort wurde er von Volkssturmsoldaten Broichhaus versorgt und Verbunden.

Ich erhielt dann den Befehl von O. Leutnant Schaefer mit ihm und dem feindlichen Fliegeroffiz zum Stab der Division zu fahren, zwecks Vernehmung, einer der Dreien welcher Offiz war. Ich rief den Flieger und liess ihn in meinen Wagen einsteigen. O. Leutnant und ich fuhren dann mit ihm ab. Auf dem Wege zum Divisionsstab begegnete uns ein Oberfeldwebel der Feldgendarmarie mit einem weiteren feindlichen Flieger. O. Leutnant Schaefer liess auch diesen Gefangenen und den O. Feldwebel einsteigen. Später erfuhr ich dann das der O. Feldwebel Koenlich hiess. Wir fuhren dann zum Divisionsstab wo man O. Leutnant Schaefer und mich mit unseren Wagen wieder unschickte. Die beiden gefangenen Flieger blieben dort, ebenso der O. Feldwebel Koenlich. Wir, O. Leutnant Schaefer und ich fuhren wieder zur Kreisleitung Opladen zurueck. Ich sass noch im Wagen und bekam von O. Leutnant Schaefer den Befehl, holen Sie einen von den letzteingelieferten raus - und lassen ihn einsteigen. Dann gab O. Leutnant Schaefer den Volkssturmsoldaten den Befehl einen Mann mitzuschicken. Er kam dann, der mir jetzt bekannte Volkssturmsoldat Broichhaus. Ich fragte den O. Leutnant, wohin ich fahren sollte - darauf bekam ich zur Antwort, - Fahren Sie los. Wir fuhren dann durch Opladen. Am Ausgang der Stadt Opladen, befahl der O. Leutnant - rechts ab, in der Richtung des Waldes zu fahren. Der Volkssturmsoldat Broichhaus machte den O. Leutnant aufmerksam das wir doch falsch fuhren - weil das doch gar



zur bringen, was er ablehnte, er hatte auch seinen Befehl ich solle mich darum nicht kummern. Er - O. leutnant Schaefer, hatte den Mann dann hinsetzen lassen und gab mir den Befehl, das Feldweibel - diesmal konnten sie nicht dran vorbei. Ich verweigerte den Befehl, er machte mich dann noch mal darauf aufmerksam, den Befehl auszuführen als ich wieder abwehrende Haltung zeigte - zog er seine Pistole hielt die auf mich gerichtet und sagte - wollen sie oder wollen sie nicht. Ich tauschte dann mehrere Laichenmungen vor - wo der O. leutnant erneut mit der Pistole bedrohte - Mann, sie wollen nicht" - ob ich in der Erregung, unter der Waffenbedrohung wirklich einen Schuss abgegeben habe - will ich nicht leugnen - jedenfalls kam der O. leutnant stiess mich weg - und schoss auf den Flieger zu. Ob er einmal oder mehrere male geschossen hat weiss ich nicht mehr. Meine Bitte den Mann doch zu begraben - lehnte er ab. Die beiden Volkssturmmänner Ossenbach und Weigel waren bei diesem Vorfall dabei. Der O. leutnant stieg in seinem Wagen, der nicht weit von der Stelle stand, und sagte mir - wir zwei rechnen noch zusammen ab. Ich bin dann mit den beiden Volkssturmsoldaten in meinen Wagen gestiegen und wieder nach Opladen gefahren.

Kurz vor der Besatzung der Amerikaner, wurde ich in dieser Angelegenheit von SS Gestapo gesucht. Nur das Glueck dass ich nicht mehr in Opladen war, hat mich von den Händen der Gestapo gerettet - zumal man erfahren hatte, das ich kein Parteimitglied war - sondern ich schon vor das Landesgericht in Duesseldorf gestanden hatte wegen heintuockischen Angriff auf Staat und Partei, und monnich 1 1/2 Jahr in der politischen Gefangnis an Rath, festgehalten hat, und zwar von 1937-1939.

Am Anfang des Verhoeres wurde mir erklart dass ich das Recht hatte - meine Aussage zu verweigern wenn ich es wuenschte.

Ebenfalls blieb es mir uebernommen die an mich gerichtete Fragen zu beantworten. Ich bin mir voll bewusst dass ich auf Grund meiner Aussagen gruendlich bestraft werden kann.

Ebenso verstehe ich die Konsequenzen die ich auf Grund meines Gestandnisses zu tragen habe. Ich machte meine Aussagen aus freiem Willen. Ich wurde nicht bedroht auch nicht gezwungen auch wurde mir keine Versprechen und Belohnungen gemacht. Ich machte meine Gestandnis von acht Seiten im Stadtgefagnis zu Opladen am 13 September 1945;

Subscribed and sworn to before me at OFL.D., Germany this 15th day of September 1945.

/s/ R. F. Aponte
/t/ R. F. Aponte
Captain INF
Investigating Officer

A CERTIFIED TRUE COPY

signed Gilbert F. McGreevy Jr.
GILBERT F. MCGREEVY Jr.
1st Lt. AUS

EXHIBIT "D"
R. E. McBurney A/V/M
President

At 1430 hours, 11 March, 1946, Schloss Velen,
(Near Borken), Germany, an investigation team
composed of:

Squadron Leader J.L. Eustace
Examiner

Flight Lieutenant M.D. Einhorn
Interpreter (German)

CAN.R.127651 F/Sgt. B. Chalk
Shorthand Reporter

assembled to take the evidence of the following
witness:

Robert HOLZER

The interpreter and shorthand reporter
are duly sworn.

* *

Robert Holzer, being duly sworn, is examined
by Squadron Leader Eustace:

Q.1 What is your full name?
A. Robert Holzer.

Q.2 And how old are you?
A. 36 years of age.

Q.3 Are you married?
A. No.

Q.4 Where did you live in March, 1945?
A. Opladen.

Q.5 And what were you doing there?
A. I was a feldwebel in the Wehrmacht.

Q.6 In what unit?
A. In the military police, 9th A.O.K. (Army head-
quarters).

Q.7 And what were your duties with that unit?
A. I was a military policeman concerned in
patrolling the roads to pick up possible
deserters and other chargeable people.

Q.8 Do you remember in March, 1945, when three
Canadian flyers were brought to the kreis-
leitung in Opladen?
A. Yes.

Q.9 What date was that?
A. I do not recollect the exact date, but it was
the end of March.

Q.10 And did you know these flyers were Canadians?
A. I did not know that at the time. I learned
that at my first interrogation.

Q.11 Did you not see any badges on them?
A. No.

Q.12 Was one of the flyers wounded?
A. Yes.

Q.13 I want you to tell me what happened to these
flyers.
A. I was called to the Orts Kommandatur (kreis-
leitung) and Major Bruhl told me that there
was a wounded flyer in the sandstrasse. I drove
to the sandstrasse and saw a lot of people
gathered there and in between some members of
the S.S. I saw the wounded flyer lying and then
I collected the flyer. Then an oberleutnant,
I later found out at my first interrogation

A.13. (Continued):

that his name was Schaefer, came towards me and told me to take this flyer to the kreisleitung, where he was to be put in the guard room. The kreisleitung was in Opladen. I left the wounded one on the steps of the kreisleitung and while he was there two other flyers were brought in.

Q.14 Yes.

A. I tried to give him some water because he was in very bad shape, but Schaefer hit the cup out of my hand and said that he was not allowed to have anything like that. Then the people on guard at the kreisleitung in Opladen took the three flyers into the guard room -- all of them were kept separately.

Q.15 Who were the people at the kreisleitung that took them in?

A. They were members of the guard. I did not know their names. They all belonged to the Volkssturm. I know that Broichhaus was one of them.

Q.16 Where did you normally take prisoners of war?

A. To the aerodrome at Duesseldorf and before that time to Wermelskirchen.

Q.17 At this time was there still a prisoner of war camp at Wermelskirchen?

A. It wasn't there any more at that time.

Q.18 So you were taking all prisoners of war to Duesseldorf?

A. I don't know, as I didn't take any there myself.

Q.19 Did you know where these prisoners should have been taken?

A. I did not know.

Q.20 Why didn't you take them to your Headquarters?

A. Because I was ordered by Schaefer to bring them to the kreisleitung.

Q.21 But you knew that the kreisleitung was not the proper place to take prisoners of war.

A. The first place they had to be taken to was a place where they would be guarded and interrogated then the normal procedure would have been to take them to a prisoner of war camp.

Q.22 But you did not normally take prisoners to the kreisleitung.

A. In the normal course of events one never took them to the kreisleitung as they had nothing to do with the party.

- Q.23 So you knew the kreisleitung was not the right place to take these prisoners.
A. Yes, I knew that the kreisleitung had nothing to do with prisoners of war but I was told to take them to a place where they could be guarded and that seemed to be the only place where I was supposed to take them on the orders of Schaefer.
- Q.24 What happened to these three flyers?
A. One of the flyers, I got out of the building, and took to an interrogation officer. Schaefer was with me.
- Q.25 Did you take this flyer out of the building yourself?
A. No. I was sitting in the car and one of the soldiers who was on guard took him out.
- Q.26 Who told the soldier to get him out?
A. Schaefer.
- Q.27 Where did you take him to be interrogated?
A. It was a place called "O.Q." staff, which was the liaison between the Headquarters and the Division, where there was an interpreter. There was another flyer there already.
- Q.28 You mean that the other flyer was already in the "O.Q." staff office when you arrived there?
A. Yes, I believe there were about eight parachutists around that time.
- Q.29 And what did you do with the flyer you took to be interrogated?
A. I waited outside in the car until Schaefer came out and told me that we would drive back to the kreisleitung, they would let us know when the interrogation was finished.
- Q.30 Did you see the flyer again?
A. Yes.
- Q.31 Where did you see him?
A. I saw him again after the time on which Broichhaus shot the other flyer, when I had to go back and fetch him from the "O.Q." staff.
- Q.32 Where was the "O.Q." staff building?
A. It is a place in Opladen called Finanzamt (finance office).
- Q.33 And how far is it from the kreisleitung?
A. About three minutes by car.

- Q.34 What happened when you again saw this first flyer you had taken to be interrogated?
- A. After I came back from the place where Broichhaus had shot the flyer I acted on my own initiative - took both these flyers which were in the "O.Q." staff and brought them to Wermelskirchen and when I got to Wermelskirchen I found that the prisoner of war camp was not there any more and I handed these two flyers to the police prison there and then I returned to Opladen and they put the wounded flyer in my car.
- Q.35 Did you get a receipt from the police in Wermelskirchen for the two flyers you took there?
- A. Yes, I did, and I handed it in to my unit.
- Q.36 Do you remember the names that were on the receipt for the two flyers?
- A. No.
- Q.37 If you did hand these two flyers in to the police there, they should have a record of it, should they not?
- A. Yes, there must be a record there because I remember seeing them put it in a book.
- Q.38 Would you be surprised now if I told you there is no record?
- A. I would not be surprised as I saw the lieutenant of that particular police place again and he told me that these two people were moved down to Duesseldorf later.
- Q.39 When you took this first flyer to be interrogated there were two flyers left in the kreisleitung, is that right?
- A. Yes, that is correct.
- Q.40 What happened to the second flyer that was taken away from the kreisleitung?
- A. The second flyer was brought out of the building to my car by Broichhaus. Schaefer told me at the time that we were taking him to a prisoner of war camp. Broichhaus also got in the car. Schaefer sat next to me and Broichhaus and the flyer were sitting in the back.
- Q.41 Did you get out of your car after returning from taking the flyer to be interrogated?
- A. I stood next to my car in the yard of the kreisleitung.
- Q.42 Did you go into the guard room at the kreisleitung?

5.

A. Yes, I did, I went into the guard room and while I was there I also saw the wounded one. A doctor by the name of Dr. Dietrich was with him at the time.

Q.43 Did you see Broichhaus there?
A. Broichhaus was bandaging the flyer and the doctor was watching.

Q.44 And where was the other flyer?
A. He was in the guard room.

Q.45 Where is the guard room in relation to the room in which the wounded flyer was lying?
A. Next to it.

Q.46 Did you go into the guard room where this second flyer was?
A. Yes.

Q.47 Did you tell Broichhaus to get this second flyer or to take this second flyer into your car?
A. No.

Q.48 If Broichhaus says you told him to get this second flyer into your car, is he lying?
A. Yes, he is lying.

Q.49 Where were you when this flyer was brought to your car?
A. I was behind the wheel.

Q.50 How did the flyer happen to come out to your car?
A. Schaefer gave the order to have him brought out, to one of the soldiers there.

Q.51 And where were you at this time?
A. I was standing next to my car in the yard of the Kreisleitung.

Q.52 And where was Schaefer?
A. He was standing in the yard.

Q.53 Who else was there?
A. There was one soldier on guard. As far as I can recollect those were all the people I saw.

Q.54 Who was the soldier?
A. I don't know.

Q.55 Who brought this flyer to your car?
A. I do not recollect whether Broichhaus brought him himself or whether one of the other soldiers did.

Q.56 Where did you put this flyer?
A. He was put in the back of my car with Broichhaus.

Q.57 Was anybody else in the car?
A. Schaefer and I.

Q.58 Are you certain that Schaefer did not drive his own car?
A. No, not that time - only the last time when the wounded one was taken away.

Q.59 Which way did you drive?
A. I went through the town of Opladen and I asked where to and Schaefer said Wermelskirchen.

Q.60 What street did you drive along?
A. It used to be called Adolph Hitler str.

Q.61 How far did you drive along that street?
A. Up to the time where I wanted to turn left to Wermelskirchen then Schaefer snatched the steering wheel around and said "go to the right".

Q.62 What kind of a road was that?
A. It went into a wood. I said to him there is no road here and he said keep your damn mouth shut, it is none of your business.

Q.63 Is it an old disused road?
A. It is an old road in the woods full of bomb craters. I did not want to drive along this road but he was playing around with his pistol. It was then that I got the first inkling of what was going to happen.

Q.64 How far did you drive down this road?
A. About five minutes.

Q.65 How many metres?
A. Three to four hundred metres.

Q.66 Were you then near the Opladen cemetery?
A. Yes.

Q.67 Then what happened?
A. We stopped and Schaefer said "we will have a little fun with him now".

Q.68 Did you stop of your own accord?
A. One could not go any further. The road stopped there. It was a cul de sac.

Q.69 Is there not another road leading to the right past the Opladen cemetery?

7.

- A. No, you could not go any further. All the roads were badly smashed up out there.
- Q.70 What happened when you stopped there?
A. I got out of the car with Schaefer and Schaefer said to me "let that man get out". I had an idea what was going to happen and I winked to Broichhaus to stay where he was, which he did.
- Q.71 Yes.
A. Then Schaefer said to me "we are going to bump this fellow off" and was most annoyed that the people at the finance office had fooled around with him so long.
- Q.72 Had you taken this flyer to the finance office?
A. No, the first one, that is the one I meant.
- Q.73 Are you now speaking of the flyer you first took to the finance office and then brought back?
A. No no, I meant this - Schaefer was saying to me that he couldn't understand why they fooled around with these people so much in the finance office. He wasn't actually speaking about the one which was there at the time.
- Q.74 Then what happened after you and Schaefer got out of the car?
A. I was walking along the road, and it was a road to the right which was going towards the cemetery. I was trying all the time to get him to change his plan but he did not appear to be paying much attention. All of a sudden he turned around and yelled "where is that fellow, why isn't he coming".
- Q.75 How far were you from the car at this time?
A. About 100 to 150 metres.
- Q.76 Could Broichhaus hear what Schaefer was saying?
A. Yes, because he was shouting at him to bring the fellow along.
- Q.77 Did Broichhaus then get out of the car with the flyer?
A. Yes.
- Q.78 Did you walk back to the car before Broichhaus got out with the flyer?
A. No.
- Q.79 Was Broichhaus smoking when he got out of the car?
A. Yes, I believe he was. He was told off by Schaefer about it.
- Q.80 Yes, and then what happened?

A. All the time while we were walking they were coming along behind us. I was still trying to get Schaefer to change his mind. I said to him "I have been a soldier for 14 years and I have never seen anything like this before". He had his pistol in his hand and was very gruff about it.

Q.81 Yes.

A. When we got to a road which turned left, Schaefer said to me "go on, bump this guy off". I said "No, you will have to do that yourself" and I went back to the car.

Q.82 Was that all the conversation that took place between you and Schaefer?

A. Yes, that was about all, apart from the time that he said "well, then, the soldier will have to do it" and I said "if the soldier will carry the responsibility, that is his business",

Q.83 Is that all of the conversation that took place between you and Schaefer?

A. Yes, that was all the conversation I had with him. I went back to the car and later I heard the shot. I couldn't tell at that time who had fired because I couldn't see them but Broichhaus told me later that he had done so.

Q.84 You have told me that Schaefer told you to "bump off" this flyer and that you said "no, I will not do it" and Schaefer then said "allright, if you won't do it the soldier will have to" and you said "if the soldier wants to take the responsibility, that is allright" and then you went back to the car, is that correct?

A. Yes, that is correct.

Q.85 There was no further conversation whatsoever between you and Schaefer?

A. That was all but it was all said in a rather loud tone of voice and in an argumentative sort of way.

Q.86 There was nothing else happened between you and nothing else said except what you have told me?

A. No, that was all. I did, however, have my pistol ready as I was quite sure that Schaefer would shot me without the slightest hesitation. He was a fanatical idiot.

Q.87 But apart from the conversation that you have told me of there was nothing further said or happened between you?

A. That is correct.

Q.88 And did you go directly back to your car?
A. Yes, I went back to my car, turned it around and waited in it.

Q.89 Did you look back to see what was happening?
A. I looked back once and saw how Schaefer was pushing Broichhaus with a pistol. I was wondering at the time whether Broichhaus would try to do anything or defend himself but I don't suppose he could as I had been at the front for many years and knew more about these things than he did.

Q.90 Why didn't you help Broichhaus?
A. What could I do? I couldn't help him. There was nothing I could do. After all, Schaefer was a very important man. He was the liaison officer between the General Staff and the Party. He wore the iron cross and there was nothing I could have done against him.

Q.91 But you weren't afraid to refuse his order and go back to your car.
A. I only heard that he was such an important person later on but I was not scared of him.

Q.92 If you were not scared of him you could have helped Broichhaus.
A. I was completely powerless to help Broichhaus. I mumbled to him as I was going by "don't do it".

Q.93 You knew that this was not a proper execution didn't you?
A. Yes, that was quite clear to me. I asked him at the time where his court authority was and he said "I don't have to show that to you".

Q.94 But you knew there had been no court.
A. I didn't know it but I certainly didn't think he had been in front of a proper court.

Q.95 So you knew that Schaefer was doing the wrong thing when he was ordering you to shoot this flyer.
A. I knew he was doing all this on his own initiative. I told him that.

Q.96 Why didn't you shoot Schaefer if you knew he was doing the wrong thing?
A. Just imagine if I would have done a thing like that. One could not do such a thing - shoot an officer.

Q.97 But you could let an airman be shot when you knew that it was not a proper execution.

10.

A. I tried everything to prevent it.

Q.98 Have you told me everything you know concerning the shooting of this flyer?

A. Yes.

Q.99 You did not see or hear anything apart from what you have told me so far, about the shooting?

A. No, I have told you everything I know.

Q.100 Then you drove back to the kreisleitung?

A. Yes.

Q.101 And what did you do there?

A. Then he said "go to the finance office and fetch that fellow out". That was the one I had brought there first.

Q.102 I want you to tell me about what happened to the wounded flyer.

A. When I came back from Wermelskirchen, Schaefer was already waiting for me in the yard of the kreisleitung.

Q.103 Didn't Schaefer go to Wermelskirchen with you?

A. No, there was just another feldwebel, Korlich, and two flyers.

Q.104 Yes.

A. I was standing next to my car in the yard of the kreisleitung and Schaefer went into the guard room and came out with the wounded flyer who was being carried by two people.

Q.105 Who were the two people?

A. Ossenbach and Weigel - I learned their names at my interrogation.

Q.106 Yes - where did they put this flyer?

A. He was sitting next to me in my car.

Q.107 And who else was in your car?

A. These two soldiers I have mentioned.

Q.108 And what happened then?

A. Schaefer got into his own car and I was supposed to follow.

Q.109 And did you follow him?

A. Yes.

11. .

- Q.110 If Ossenbach says you drove first in your car, is he lying?
A. I drove out of the yard first and Schaefer behind me but he passed me later on and I followed him.
- Q.111 If Ossenbach says Schaefer did not pass you is he lying?
A. Yes.
- Q.112 If Weigel says that Schaefer did not pass you in his car, is he lying?
A. Yes.
- Q.113 And where did you go?
A. In the direction of Wermelskirchen.
- Q.114 Yes.
A. Schaefer went straight ahead and I turned left. I said "I am not going to play along with this, we will take this fellow to the hospital". Schaefer saw what I had done, stopped his car and started waving his flashlight, so I stopped and he started screaming at me. .
- Q.115 Yes.
A. He parked his car and had the flyer carried out of the car.
- Q.116 Where was this?
A. It was on the road from Berges-Neukirchen to Leichlingen.
- Q.117 Where were you going to take this flyer to a hospital?
A. Kichrat, which is near Leichlingen.
- Q.118 And when you turned left you went on to a road leading to Leichlingen?
A. Yes.
- Q.119 And at that point Schaefer went straight ahead?
A. Yes.
- Q.120 Where did the road lead to that he went on?
A. To Wermelskirchen.
- Q.121 And when the flyer was carried out of your car what happened?

A. I drove on with my car, turned it around in a farm yard, came back, and Schaefer was standing on the road waiting for me. I was sitting in my car and Schaefer said "get out you coward". He had a pistol in his hand. He told me to come along with him and I did. We went to the place where the flyer was lying on the ground and the two soldiers were standing next to him. Schaefer shouted at me "this time you are not going to get away with it, you are going to shoot this flyer".

Q.122 Yes, then what happened?

A. I said "no, I am not going to do it this time either" and told him to take his pistol away. He got louder and louder all the time and I got my pistol out myself because I knew what he would be capable of. I said to him "take your pistol away, after all I am no criminal". He shoved his pistol into my face and I pointed my pistol in the direction of the flyer and did as if the pistol were jamming, which in actual fact, was not. I did that three times. The way I did it is that I pressed the little button which released the magazine slightly so that one could pull the trigger and nothing happened. Then Schaefer took the pistol, my pistol, himself, and said "let me see what is the matter with that thing" but he did not catch on to what was wrong. He shoved me aside and then I heard a shot go off. I did not see this as I had been turned around.

Q.123 Do you now say Holzer that you did not shoot this flyer?

A. I did not shoot this man. During my first interrogation I was not sure whether a shot had gone off out of my pistol or not. Everything and everybody was very excited at that time but I am now sure that I myself did not fire. I am doubly sure because when we were sitting in the car on the way back I asked these other two people, Ossenbach and Weigel what had happened and they said that Schaefer had fired the shot - that Schaefer had shot the flyer.

Q.124 When you made a statement to the Americans did you tell them that you had shot this flyer?

A. I said to the Americans "whether in this excitement a shot had gone off from my pistol I could neither deny nor confirm."

Q.125 And the statement you made to the Americans was on oath?

A. No.

- Q.126 Did anybody shoot the flyer apart from Schaefer?
A. I believe Weigel shot him too because Broichhaus later on told me that Weigel had borrowed Broichhaus' pistol and what would he need a pistol for if not for such a thing?
- Q.127 If Ossenbach says you shot this flyer, is he lying?
A. He is lying. If I would have known at the time that all these soldiers belonged to the Politische Staffel and that Schaefer also had a lot to do with the kreisleitung, I would have made sure that my car broke down before I got there but I only learned all that later after the Americans came.
- Q.128 If Walter Weigel says you shot this flyer, is he lying?
A. Yes, because when he was being interrogated he said that he didn't see it.
- Q.129 Did you see Walter Weigel shoot the flyer?
A. No, I didn't see it.
- Q.130 You were at the kreisleitung that afternoon when these flyers were first brought there?
A. Yes.
- Q.131 And you saw Dr. Dietrich there?
A. Yes, I did. If I am not mistaken, Broichhaus had to go and fetch him.
- Q.132 Did you see Brinkshulte there?
A. I don't know him - I didn't see him, but I knew he was there as I heard that from the soldiers, but I don't even know who he was.
- Q.133 You had quite a bit of conversation with the soldiers in the guard room that afternoon?
A. Yes.
- Q.134 I put it to you that you knew before you took any of these flyers away what was going to happen to them?
A. I didn't know. I wouldn't have gone had I known.
- Q.135 I put it to you that you told the other soldiers in the guard room what was going to happen to them before you took them away.
A. No, I didn't, how could I have done? I didn't know what Schaefer intended to do.

Q.136 If these other soldiers say you told them that these flyers were going to be shot, are they lying?

A. The only thing I can say to that is that Schaefer said "the best thing we could do with these people is to act like the "Japs" do" and I said to the soldiers present, "did you hear what he said there", but I did not know and I had no idea he was actually going to do the thing he did do.

Q.137 Did you not tell some of these other soldiers that these airmen would be taken care of allright?

A. All I said was when the flyers were brought to the kreisleitung Schaefer had them placed around the yard away from each other so that they could not talk to each other, and wanted two men with rifles to guard them and I said "Don't worry about them, they will be taken care of allright".

Q.138 And didn't you tell them they would be taken out and shot?

A. No.

Q.139 When two of the flyers were given cigarettes in the guard room didn't you say "allright, let them have the cigarettes, that will be the last one they will have anyway"?

A. I didn't even see that they got any. I didn't know that they got cigarettes because Schaefer took their cigarettes away from them.

Q.140 Did you take any cigarettes away from them?

A. No.

Q.141 Did you see these flyers get some tobacco and make cigarettes for themselves?

A. The only time I saw them smoke at all was when the sergeant and a cigarette with Broichh... in the back of my car.

Q.142 When you took this third flyer away from the kreisleitung did you know what was going to happen to him?

A. No, because they had fetched a doctor to him. If they were going to shoot him, why did they need a doctor?

Q.143 You knew what had happened to the second flyer - why didn't you know what was going to happen to the third?

A. Because then he wouldn't have needed a doctor. The first time I had no idea what was going to happen so when I turned left and Schaefer carried straight on and then I knew something was up because the only road to the hospital was the one to the left which I took.

- Q.144 Why didn't you carry straight on to the hospital?
A. Because Schaefer came back and over-took me and stopped me in the road.
- Q.145 What happened to the clothes belonging to these flyers?
A. I don't know.
- Q.146 Did you know that they were buried in the yard of the Kreisleitung?
... No.
- Q.147 Do you swear on oath that you did not shoot any of these three flyers?
A. Yes.
- Q.148 What time was it when these flyers were first brought to the Kreisleitung?
A. Between four and five o'clock P.M.
- Q.149 What time did you take the second flyer away, the one that Broichhaus shot?
A. Between 5.00 and 5.30.
- Q.150 And what time was it when you took the wounded flyer away?
A. Between 7.30 and 8.00. It was dark.
- Q.151 What kind of clothes were these flyers wearing?
A. Like the ones you are wearing. (Pointing to Flight Lieutenant Einhorn who is wearing blue aircrew battle dress).
- Q.152 Did you see any "Canada" flashes on them like on the one of Flight Lieutenant Einhorn?
A. No. I want to add that I know that Schaefer had their boots removed so that they would not be able to walk.
- Q.153 Do you know what happened to these boots?
A. I don't know.
- Q.154 And do you swear on oath that there was no general conversation around the Kreisleitung this afternoon that these flyers were to be shot?
A. To my knowledge there was no such conversation. I assume, however, that it is possible that without my knowledge the Kreisleiter, Brinkshult, might have made some utterances to that effect, without my knowledge.

Q.155. Have you talked to Broichhaus since you have been in arrest?

A. No.

Q.156. How long have you been in the same jail with Broichhaus?

A. From the 25th of August, 1945, to the 22nd of January, 1946.

Q.157. Where was that?

A. In Opladen.

Q.158. Yes, and then where did you go?

A. Then we were in Recklinghausen for a couple of days until I was fetched by Canadian officers and I was brought to Minden.

Q.159. Was Broichhaus with you in Recklinghausen?

A. That was the first time I talked to him.

Q.160. That was in Recklinghausen?

A. Yes.

Q.161. And you have been together in Minden?

A. I never spoke to him at Minden.

Q.162. Will you agree that on the 10th of September when you made a statement to the American authorities your recollection of this incident was better than it is now?

A. No, I do not agree to that as I have had much more time to think about it now and I have had much more rest and I feel that I am more accurate now.

THE WITNESS WITHDRAWS:

I certify that the foregoing transcript consisting of 16 pages is a true record of the evidence given before me by the witness, Robert HOLZER.

"J.L. Eustace" Squadron Leader
Examiner.

EXHIBIT "E"
R.E. McBurney, A/ V/M
President

At 1430 hours, 9th March, 1946, Bad Salzuflen,
Germany, an investigation team composed of:

Wing Commander O.W. Durdin
Examiner

Squadron Leader J.L. Eustace
Cross-Examiner

Flight Lieutenant M.D. Einhorn
Interpreter (German)

R127651 F/Sgt. B. Chalk
Shorthand Reporter

assembled to take the evidence of Wilhelm
OSSENBACH.

The interpreter and reporter are duly sworn.

Wilhelm OSSENBACH, having been duly sworn,
is examined by Wing Commander O.W. Durdin.

Q.1 Your full name is what?
A. Wilhelm Ossenbach.

Q.2 And your age is what?
A. 40 years of age.

Q.3 And are you married?
A. Yes.

Q.4 And how many children have you?
A. Two.

Q.5 Your normal place of residence is where?
A. In Opladen, Kwettinger Street, 32.

Q.6 And where were you living in the latter part
of March, 1945?
A. In Kwettingen.

Q.7 How far is that from Opladen?
A. Twenty minutes by foot.

Q.8 And your occupation during the month of March,
1945 was what?
A. I was called up in the Volkssturm.

Q.9 Do you mean that is part of the Wehrmacht?
A. It was attached to the Wehrmacht.

Q.10 You were never sworn in to the Wehrmacht were
you?
A. Never.

Q.11 And you were never paid by the Wehrmacht were
you?
A. No.

Q.12 And where were you stationed in March, 1945?
A. In Burchheid.

Q.13 How far is that from Opladen?
A. 8 to 10 kilometres.

Q.14 Do you know Hubert Broichhaus?
A. Yes.

Q.15 Was he a member of the same unit as yourself?
A. Yes.

Q.16 Do you know whether he belonged to the
Politische Staffel at Opladen in the month

A. of March, 1945?
Yes.

Q.17 Were you a member of the Politische Staffel at that time?

A. Yes.

Q.18 Do you agree with me that this Politische Staffel was a formation consisting of ardent Nazi persons and performed the function of personal Gestapo to the Kreisleiter?

A. Yes.

Q.19 Do you know whether or not Broichhaus had ever been sworn into the Wehrmacht?

A. He was not sworn into the Wehrmacht.

Q.20 How do you know he had not been sworn into the Wehrmacht?

A. Because he was the same as I was and I would have had to be sworn in as well and I was not.

Q.21 Do you remember the occasion of three Canadian "fliers" being taken from the Kreisleitung at Opladen in the latter part of March, 1945, to be executed?

A. Yes.

Q.22 Who took the first "flier" away from the Kreisleitung and how did they take him away?

A. The first "flier" was taken away from the Kreisleitung by Oberleutnant Schaefer and Feldwebel Holzer. Oberleutnant Schaefer ordered Holzer to get the "flier" out of the room while they were in the yard. Holzer went in and got the "flier" and took him to the car and drove away with the "flier" and Schaefer.

Q.23 Did Lieutenant Schaefer get out of the car on this occasion?

A. Yes, Schaefer was standing in the yard.

Q.24 Did he come in to the Kreisleitung?

A. No.

Q.25 Are you sure of this?

A. Yes.

Q.26 Who took the second "flier" away?

A. As far as the second "flier" is concerned, Schaefer came up from the cellar in the Kreisleitung into the yard and told Holzer to get the second "flier". Holzer came along with Broichhaus and the second "flier".

Q.27 Did Schaefer come into the building, the Kreisleitung, on this occasion?

A. No, he stayed outside.

- Q.28 Do you know whether or not he saw Broichhaus from the time that he returned after the first "flier" was shot until Broichhaus joined him, Lieutenant Schaefer, at the car?
- A. The first time Schaefer came in contact with Broichhaus was in the yard after he had been fetched out by Holzer to come with the "flier".
- Q.29 And was Schaefer in the car when Broichhaus reached the car, or not?
- A. Schaefer drove along behind him later on, in his own car. He was not in the car in which Holzer and Broichhaus and the "flier" were.
- Q.30 Who drove the car carrying the "flier"?
- A. Holzer.
- Q.31 Did anyone sit in the front seat with him?
- A. The "flier" was sitting next to Holzer and Broichhaus was sitting in the back.
- Q.32 He was in the back seat alone was he?
- A. He was in the back alone.
- Q.33 Where were you at the time Holzer and Broichhaus and the "flier" went to the car?
- A. I was in the yard.
- Q.34 And did you see Holzer go into the building to get Broichhaus and then see Holzer, Broichhaus and the "flier" return to the car?
- A. Yes.
- Q.35 Was there any delay in getting the "flier" out of the building? How long a time elapsed from the time Holzer went in to get him until Broichhaus, Holzer and the "flier" came out to the car?
- A. At the very most it took five minutes.
- Q.36 And where was Schaefer while Holzer was in the building?
- A. Schaefer was walking up and down in the yard.
- Q.37 Did you see him during all of the period Holzer was in the building getting Broichhaus and the flier?
- A. Yes.
- Q.38 Are you sure of the manner of seating in the car of Broichhaus, Holzer and the "flier"?
- A. I am quite sure of that.

Q.39 And this "flier" that went with Broichhaus and Holzer, had he been wounded?
A. No.

Q.40 And do you say that the car driven by Schaefer followed immediately the car driven by Holzer?
A. Yes, immediately.

Q.41 And how long was it before they returned after taking this "flier" away?
A. About 20 minutes.

Q.42 And about what time was it when they left the kreisleitung?
A. It would be about six o'clock.

Q.43 And what was the condition of light at that time?
A. One could still see well at that time.

Q.44 And the condition of lighting in the kreisleitung, was what?
A. It was also light in the kreisleitung.

Q.45 And who took the third "flier" away?
A. Schaefer, Holzer, Waigel and I.

Q.46 And where was this third "flier" taken to be shot?
A. They took him to a wood at a place called Balken.

Q.47 And how far is this place from Opladen?
A. About 8 kilometres.

Q.48 And who shot this "flier"?
A. Holzer.

Q.49 Were you present when the shooting was done?
A. Yes.

Q.50 Where did Holzer shoot him - in what part of the body?
A. In the temple.

Q.51 Which side?
A. In the right side.

Q.52 Did anyone else shoot the "flier" besides Holzer?
A. Yes.

Q.53 Had this "flier" been wounded previously?
A. Yes.

Q.54 He had been wounded when he was brought to the kreisleitung, is that correct?

A. Yes.

Q.55 How many cars went when the third "flier" was taken away?

A. Two.

Q.56 Who drove the leading car?

A. Holzer.

Q.57 Who sat in the front seat with him?

A. The "flier".

Q.58 And who sat in the back seat?

A. Weigel and I.

Q.59 And who was in the second car?

A. Schaefer.

Q.60 Was Schaefer in the car alone?

A. Yes.

Q.61 And who selected the spot where the "flier" was to be shot?

A. Holzer, he stopped the car.

Q.62 Did he say anything about what was going to be done when he stopped the car or prior to that time?

A. When he stopped the car Holzer said "this is the end".

Q.63 What did you understand him to mean by that?

A. He stopped the car and said "this is the end" and I got the impression that this is where the "flier" would be shot.

Q.64 And who got out of the car first?

A. Holzer.

Q.65 How was the "flier" taken out of the car?

A. Holzer ordered Weigel and me to take the "flier" out of the car.

Q.66 How did you take him out of the car?

A. We put one of his arms over Weigel's shoulders and one over my shoulders and carried him that way.

Q.67 Do I understand then that the "flier" could not walk, that he had to be carried?

A. He could not walk.

Q.68 And what did you and Weigel do with the "flier"?

A. We carried him down the hill and put him down on a meadow.

Q.69 And I take it he was lying down on the ground, is that correct?

A. Yes, that is correct.

Q.70 How did Holzer happen to shoot him?

A. Schaefer gave him the order to shoot.

Q.71 What did Schaefer say?

A. "Holzer, bump (umlegen) this man off."

Q.72 And what did Holzer do?

A. Holzer took out his pistol, put it against the temple of the "flier", pulled the trigger, but nothing happened. He pulled the trigger three times like this. Something must have jammed. The fourth time he pulled the trigger the shot went off.

Q.73 Did Holzer know what was going to be done with the "flier" before he was taken from the kreisleitung?

A. Yes.

Q.74 Did you know what was going to be done before you went away with them from the kreisleitung?

A. Yes.

Q.75 Did Weigel know before he left the kreisleitung?

A. Yes.

Q.76 Was there any trouble or delay in carrying out the shooting after you arrived at the spot, other than the jamming of Holzer's gun that you have described?

A. No, there was none.

Q.77 Was there any argument as to who would shoot him or how he would be shot?

A. No.

Q.78 And no objection by anyone to the shooting?

A. No.

Q.79 Then what was done with the "flier's" body after he was shot?

A. Schaefer ordered Weigel and myself to carry the body of the "flier" to the edge of the woods - then Schaefer came along and put earth and twigs on the body, with his foot.

Q.80.. Did anyone shoot this "flyer" besides Holzer?
A. Yes.

Q.81. Who was this?
A. Schaefer.

Q.82. Was this after or before Holzer had shot the "flyer"?
A. After Holzer had shot, with the words "this will finish him off".

Q.83. Then did all four of you return to the kreis-leitung?
A. Yes.

Q.84. How did you ride back in the cars?
A. Weigel and I were with Holzer and Schaefer in his car behind us.

Q.85. And the firearms used by Holzer and Schaefer were what - revolvers or rifles?
A. Revolvers.

Q.86. And how close did Holzer stand to the "flyer" when he shot him?
A. About half a metre away from him.

Q.87. And could the pilot see him when he was shooting him?
A. Yes, he could see him.

Q.88. Were his hands or his feet tied or fastened in any way?
A. No.

Q.89. How badly was this "flyer" wounded?
A. He was very badly wounded.

Q.90. Could you tell whether or not he was in great pain?
A. He was in great pain.

Q.91. Did he make any attempt to save himself when he was being shot?
A. No.

Q.92. Did he say anything?
A. No.

Q.93. From his appearance and his conduct, did you gather that he realized that he was being shot and that he was resigned to this fate, or what?
A. I think he probably was. He was in such pain that I don't suppose he cared what would happen any more.

Q.94. How long were you away from the kreisleitung while this third "flyer" was being shot?
A. A good half hour.

Q.95. When had these three "flyers" been brought to the kreisleitung - at what hour of that day?

A. It would be about half past two to three o'clock that they were brought.

Q.96. And did they remain in the kreisleitung from the time they were brought there at that time until the time they were taken away to be shot?

A. Yes.

Q.97. And were you at the kreisleitung building from the time they were brought in until the time they were taken away to be shot?

A. Yes.

Q.98. What kind of clothing did these "flyers" wear?

A. The same clothes as you gentlemen are wearing. (Pointing to the Air Force officers who are wearing R.C.A.F. blue battle dress).

Q.99. And did you see any badges or distinguishing marks of any kind on their uniforms?

A. Yes.

Q.100. What kind of badges or distinguishing marks did you see?

A. The wounded "flyer" had on his epaulet two stripes as you have. (pointing to Flight Lieutenant Einhorn).

Q.101. What other badges or distinguishing marks did you see?

A. On their sleeves was the flash "Canada" as you are wearing (Pointing to Flight Lieutenant Einhorn who is wearing R.C.A.F. battle dress with "Canada" flashes).

Q.102. Yes, what other badges or insignia were they wearing?

A. I didn't see any others.

Q.103. Do you know what nationality these "flyers" were?

A. I deduced that from the "Canada" flashes - I saw the "Canada" flashes and I knew they were Canadians.

Q.104. Had Weigel been in the kreisleitung building from the time they were brought to the kreisleitung until the time they were taken away to be shot?

A. Yes.

Q.105. And what about Caspers?

A. Also.

Q.106. What about Broichhaus?

A. He was in the kreisleitung all the time as well.

Q.107. What about Holzer?

A. Holzer was at the kreisleitung as well from the time they were brought there until the time they were taken away.

Q.108. When did you first learn what was going to be done with these "flyers"?

A. I learned that in the afternoon from Caspers who said to me that Holzer had expressed himself in this way - "these three "flyers" will not get away from under my hand".

Q.109. Did you hear Holzer say anything about these "flyers" or what was to be done with them?

A. Yes.

Q.110. What was it?

A. We were sitting together in the guard room and Holzer came in to eat and the "flyers" asked for tobacco and I gave each one of the "flyers" a cigarette and Holzer said "that will be the last one they will ever have anyway". At about the same time when he was in the room, Holzer also said that they would take the "flyers" one by one and they would disappear.

Q.111. Was the fate of these "flyers" and what was to be done with them, generally discussed between all of you prior to their being taken away?

A. Yes.

Q.112. By all of you, whom do you mean?

A. Weigel, Winkels, Caspers, I and Broichhaus. They all knew about it.

Q.113. There is no question that it was common knowledge between all of you and you all clearly knew what was going to be done with the "flyers" long before they were taken away from the kreisleitung, is that correct?

A. Yes, that is correct.

Q.114. And had there been a considerable amount of discussion about it between all of you?

A. Yes.

Q.115. Did you have any discussion with Broichhaus as to how this second "flyer" had been shot or what was done with him?

A. Yes.

Q.116. Tell me about that conversation and discussion - what did he say?

A. Broichhaus came back into the yard of the kreisleitung after having been away with the second "flyer" and said to me "I made him walk in front of me and then I let him have it and he fell down".

Q.117. Did you have any conversation with Broichhaus about the shooting of this "flyer" at a later date?

A. Yes, I did.

Q.118. Tell me about that.

A. Later Broichhaus came and visited me in my home.

Q.119. When was this?

A. After the Allied troops had come in.

Q.120. What happened?

A. He came in to my house and we talked a little and then he asked me to come outside with him. We went in to my garden and sat down. Broichhaus said to me "if ever they should find out about this business in Opladen, the shooting of the "flyers", the thing we ought to say is that we took the "flyers" to the barracks in Fichheid." I said to him it was my opinion that the best thing he could do was stick to the truth. Then he asked me whether I was prepared to say what he wanted me to and I said no, I did not want to do that, I intended to say what had actually happened, if anybody asked me.

Q.121. But is it true is it not that you have made some attempt in your previous interrogations to shield Broichhaus?

A. Yes, that is true.

Q.122. What do you know about the burial of the clothing of these "flyers" in the yard of the kreisleitung?

A. I was told by Erff that the clothes had been buried. I knew about the boots.

Q.123. When Broichhaus told you in the court yard of the kreisleitung about shooting the pilot after he had done it, was there any indication to you of what his feelings were in the matter?

A. Yes.

Q.124. What was it?

A. It was clear to me by the matter of fact way in which he said it and his whole attitude, that he, in fact, felt quite proud of what he had done and was quite pleased about it.

Q.125. Would you say that his conduct and conversation was consistent or inconsistent with being happy about it?

A. It was consistent with his usual attitude. He was always the "know all" among us and talked the loudest.

Q.126. Did he or did he not appear to have any objections to shooting the "flyer"?

A. He appeared to have no objection.

Q.127. When did the members of this Politische Staffel at Opladen cease wearing Nazi Party uniforms and start wearing Wehrmacht uniforms - about what month?

A. On the 7th of March, 1945.

Q.128. What change was there in the formation or function of the Politische Staffel at this date other than the change of the kind of uniform worn by its members?

A. There was no change. We carried on as we had done before.

Q.129. Now do you know who got the clothes or boots that were taken away from these "flyers" at the kreisleitung?

A. No.

Q.130. Have you ever heard from anyone as to who got them or any part of them?

A. I heard that Caspers was supposed to have gotten a pair of trousers.

Q.131. Who did you hear that from?

A. Caspers himself told me.

Q.132. Do you know who got their wrist watches?

A. Weigel.

Q.133. How do you know this?

A. Weigel himself told me.

Q.134. Now this person Weigel that you have spoken of in your previous evidence, what is his full name?

A. Walter Weigel.

Q.135. And the person Caspers of whom you have spoken, what is his full name?

A. Josef Caspers.

Q.136. And this person Holzer of whom you have spoken, what is his full name?

A. I don't know.

Q.137. And all of these persons that I have just mentioned, were they or were they not members of the Politische Staffel at Opladen?
A. Yes, all except Holzer.

Q.138. To what unit did Holzer belong?
A. Holzer belonged to the Field Gendarmerie in Opladen.

Q.139. Was that part of the Wehrmacht or not?
A. Yes, it was part of the Wehrmacht.

Q.140. Now, did you subsequently assist or take part in the burial of any of these three "flyers" that you have mentioned?
A. Yes, I helped with the burial of the wounded "flyer".

Q.141. That is the "flyer" that was shot by Holzer, is that correct?
A. Yes.

Q.142. Where was he buried?
A. In Balken.

Q.143. What kind of a place was it where he was buried?
A. In the edge of the woods.

Q.144. How far is this place from Opladen itself?
A. About eight kilometres.

Q.145. Did anybody else assist you in the burial?
A. Weigel and I buried him.

Q.146. Are there any bomb craters near the place where this "flyer" was buried?
A. No.

Q.147. Is it near a cemetery - if so, which one?
A. No.

Q.148. I want you to give me a more accurate description of the place of the shooting of the "flyer" which Broichhaus shot.
A. It was near the Opladen cemetery.

Q.149. And do you know whether or not there are any bomb craters there?
A. Yes, as far as I know.

Q.150. And do you know whether or not this "flyer" was buried in one of the bomb craters?
A. Yes, he was buried in a bomb crater.

Q.151. How do you know this?
A. Caspers told me.

Q.152. Do you know a Dr. Dietrich in Opladen?
A. Yes.

Q.153. What was his occupation in the month of March, 1945?
A. He was a doctor in the S.S.

Q.154. When you say he was a doctor, do you mean a medical doctor?
A. Yes, a medical doctor..

Q.155. Do you know whether or not this wounded "flyer" of whom we have been speaking had his wounds bandaged in any way at the kreisleitung on the afternoon or evening in question?
A. Yes, I saw some sort of a white bandage on his leg.

Q.156. Do you now remember what kind of bandage it was?
A. It could have been a handkerchief or a real bandage, I don't know.

Q.157. Do you know who put the bandage on?
A. I don't know of my own knowledge who put it on. I know that both Caspers and Broichhaus claim to have bandaged the pilot.

CROSS-EXAMINED BY S/L EUSTACE:

Q.158. Witness, will you think once again of the conversation you had with Broichhaus in the court yard of the kreisleitung when he returned from shooting the second "flyer" taken from the kreisleitung - didn't Broichhaus tell you that he had refused to shoot this "flyer"?
A. He didn't say so.

Q.159. Did Broichhaus tell you that he had been forced to shoot this "flyer"?
A. No, he did not.

Q.160. Did Broichhaus tell you that he had been threatened by any person prior to him shooting, with a gun?
A. No.

Q.161. Was there anything whatsoever in that conversation that would indicate or give you the impression that Broichhaus shot this "flyer" against his will?
A. No, apart from the fact that he told me he had been ordered to shoot him by Schaefer.

Q.162. Witness, are you quite certain that when the second "flyer" was taken away that Broichhaus and Holzer and the "flyer" went in one car and Schaefer followed in another car? .
A. I am absolutely certain of that.

Q.163. Who drove out of the court yard first - which car drove out first?
A. Holzer's car.

Q.164. How long after did Schaefer drive out in his car?
A. Immediately after.

Q.165. Now ~~concerning~~ the wounded "flyer" that was shot by Holzer while you were present, how far away from Holzer were you when he shot the "flyer"?
A. About two metres.

Q.166. Could you see and hear everything that was going on among the people who were there?
A. Yes.

Q.167. And was Schaefer and Walter Weigel also right close by?
A. Yes.

Q.168. Did Holzer refuse to shoot this "flyer" when ordered to do so by Schaefer?
A. No.

Q.169. Was he threatened by Schaefer with a gun, before he stepped up to shoot this "flyer"?
A. No.

Q.170. What clothing was taken off the body of the "flyer" that you buried, together with Walter Weigel?
A. His jacket and a brown vest with a zipper on it.

Q.171. What was done with this clothing?
A. That was taken to the kreisleitung. I don't know what happened to the jacket - I had the vest for a while but put it back again afterwards.

Q.172. Where did you put it?
A. In the room where the wounded "flyer" was.

Q.173. What kind of a vest was this - how long was it?
A. A short vest like the one I am now wearing. (indicates).

Q.174. Did it have sleeves?

A. No.

Q.175. When did you take it off the body?

A. The next morning, when we were burying him.

Q.176. Did it have any lining in it or what was it made of?

A. It was a chamois leather and not lined.

Q.177. When did you take it to the guard room?

A. When I came back to the kreisleitung.

Q.178. What time was that?

A. Six o'clock in the morning. We went very early.

Q.179. And when did you take it home?

A. I took it home that afternoon.

Q.180. When did you bring it back?

A. I brought it back the same afternoon again.

Q.181. And where did you put it?

A. In the room where the wounded one had been.

Q.182. What happened to it?

A. I don't know.

RE-EXAMINED BY W/C DURDIN:

Q.183. When you took this brown vest back to the kreisleitung was the blue jacket that you had taken off the "flyer", also there?

A. Yes.

Q.184. Where were the pilots boots - were they also there when you brought the vest back?

A. I don't know where they were. I didn't see them again.

Q.185. Were these "flyers" wearing their boots when they were taken out of the kreisleitung?

A. No.

Q.186. What were they wearing on their feet?

A. Just socks.

Q.187. If in fact Broichhaus had been threatened with a gun or had refused to shoot this "flyer", do you think he would have told you when he spoke to you when he came back to the kreisleitung after the shooting?

A. I am quite sure he would have told me.

Q.188. And did he tell you?

A. No.

Q.189. Do you believe he was threatened or forced to carry out the shooting or that he objected to do the shooting?

A. I don't believe he was.

Q.190. The evidence you have given to-day, is true, that is correct is it?

A. Yes.

Q.191. And have you given it voluntarily?

A. Yes.

Q.192. You have not been threatened in any way or induced in any way to say things or not say things - is that correct or not?

A. I am prepared to swear that it is correct.

THE WITNESS WITHDRAWS:

We certify that the foregoing
transcript consisting of 16
pages is a true record of the
evidence given before us by
the witness, Wilhelm OSSENBA CH.

"O.W. Durdin" Wing Commander
Examiner

"J.L. Eustace" Squadron Leader
Cross-examiner.

EXHIBIT "F"
R.E. McBurney A/V/M
President

At 10.15 hours, March 13, 1946, Bad Salzuflen,
Germany, an investigation team composed of:

wing Commander O.W. DURDIN
Examiner

Squadron Leader J.L. EUSTACE
Cross-Examiner

Flight Lieutenant G.W. LOW
Interpreter (German)

CAN. R.127651, P/Sgt. B. CHALK
Shorthand Reporter

assembled to take the evidence of
WILHELM OSSENBACH

The interpreter and reporter are duly sworn.

Wilhelm Ossenbach, having been duly sworn, is examined by wing Commander O.W. Durdin.

- Q.1. Your name is what?
A. Willi Ossenbach.
- Q.2. And do you recall being interrogated by me on the 9th of March, 1946, here in this office - do you recall that?
A. Yes.
- Q.3. And that your evidence then was recorded on oath, that is correct is it?
A. Yes.
- Q.4. It has now been drawn to my attention by one of my officers that in your interrogation, prior to the recording of your evidence, you made a statement respecting the shooting of the third flyer by a person in addition to Holzer - did you say something of that nature in your interrogation?
A. Yes.
- Q.5. I want you to tell me about that. What did you say about the shooting of this third flyer by some person in addition to Holzer?
A. After Holzer had done the shooting, Schaefer went to the body with the words "I shall give him the last shot" and fired one more shot.
- Q.6. Did you mention in your interrogation anything about your knowledge of anyone shooting this flyer besides Schaefer and Holzer?
A. Yes, Weigel.
- Q.7. What knowledge have you of the shooting of this third flyer by Weigel?
A. Weigel told me that he shot the flyer.
- Q.8. When did he tell you this?
A. On the evening of the night when we returned from the shooting.
- Q.9. Where were you when he told you this?
A. In the car.
- Q.10. Do you mean he told you this in the car as you returned from the shooting - is that what you mean?
A. Yes.

Q.11. who was in the car with you at this time?
A. Holzer, weigel and myself. Holzer drove the car.

Q.12. And where were you and weigel sitting?
A. In the rear seat of the car.

Q.13. Do you know whether or not Holzer heard weigel say this?
A. No, he didn't hear it.

Q.14. How are you so certain he did not hear it?
A. No, he didn't hear that. weigel said that very quietly to me "I have shot him".

Q.15. Now, what persons did you actually see shoot this flyer?
A. Holzer and Schaefer.

Q.16. Did you see weigel shoot this flyer?
A. No.

Q.17. But you were present all of the time from the time the flyer was brought out of the car until Schaefer fired this final shot - how do you account for the fact that you didn't see weigel shoot the flyer?
A. we sat the flyer down on the spot and I then withdrew a few metres and weigel must have remained on the spot there.

Q.18. But even so, assuming you were two metres from the flyer, do you suggest to me that you would not see weigel shoot him?
A. I have not seen it when weigel shot the flyer.

Q.19. Why is it you didn't see it? How do you account for the fact you did not see weigel shoot the flyer?
A. we sat the flyer down and I then turned around and walked away and during that time that must have happened.

Q.20. You walked away for this distance of approximately two metres, is that what you mean?
A. It could be two metres. I can't exactly recall it.

Q.21. And you suggest during this period when your back was turned to the flyer that this was the period that weigel shot him, is that what you say?
A. Yes.

- Q.22. When you first started to move away from the flyer after you and Weigel put him on the ground, I want you to describe to me exactly, the position of the flyer as he was on the ground.
- A. We sat the flyer down facing the woods and then I went away from him.
- Q.23. Now, at the time you sat the flyer down, I want you to describe the flyer's exact posture as he was on the ground.
- A. He was sitting like this. (Witness indicates a sitting position with both feet extended before the body and the hands crossed in front at about the waist).
- Q.24. You have indicated a sitting position with the feet fully extended in front of the body and the hands crossed at about the waist - is that what you say was the position of the flyer when you and Weigel put him on the ground?
- A. Yes, that is correct, except that the hands were clasped around the stomach.
- Q.25. Then you say immediately after putting him on the ground, you turned your back on the flyer and walked approximately two metres away from him - is that correct?
- A. Yes.
- Q.26. And after walking this two metres away from the flyer, you turned around immediately, is that correct?
- A. Yes.
- Q.27. And when you turned around you were looking towards the flyer again, is that correct?
- A. Yes.
- Q.28. Now, what was the position of the flyer when you turned around and looked at him after you had moved away these two metres?
- A. The flyer was then lying down fully stretched out on the ground.
- Q.29. Now, do you say that during this very brief period when you turned your back on the flyer and moved away for a couple of metres, that this was the time that you think Weigel shot him - is that what you say?
- A. Yes.
- Q.30. Where was Weigel's gun when you turned around and looked at the flyer?
- A. I presume it was in the holster again.

Q.31. Why do you presume it was in the holster again - you were there, what did you see?
A. After I turned around I didn't see any firearm in his hands.

Q.32. Where was your gun at this time?
A. I had my weapon in the holster.

Q.33. When did you put it in the holster?
A. As I put my belt on when we left the kreisleitung.

Q.34. Had you had your gun out of the holster at all?
A. No.

Q.35. Was the flyer making any sound at this time when you turned to look at him?
A. No, but he was groaning at the time that we carried him to the meadow.

Q.36. Was it Weigel's own gun that he had with him that night?
A. Yes.

Q.37. Was there any other time during that night that Weigel could have shot this flyer without you observing it?
A. No.

Q.38. Now, when you turned around to look at this flyer after you had walked away this very very short distance, how far away was Schaefer and Dolzer?
A. They were half a metre to a metre away from the flyer.

Q.39. And approximately how far were they when you and Weigel placed the flyer on the ground?
A. They were so far away that we couldn't see them yet - perhaps 15 metres.

Q.40. How do you know they were 15 metres away if you could not see them?
A. We put the flyer down about 15 metres from where the car stopped on the roadway and they could not have been further than that distance away.

Q.41. Now this space of 15 metres between the cars and the place where you and Weigel put the flyer on the ground, is that open ground or are there some bushes there?
A. No, it is meadow, and hedges on the edges.

Q.42. And about how high are the hedges?
A. It could be about two metres high.

Q.43. And when you say this was a hedge along the meadow, do you mean there was just one hedge running along between the meadow and the roadway and that the space between the hedge and the space where you put the flyer down, is open ground - is that what you mean?
A. Along the woods at the end of the meadow.

Q.44. I still don't understand you. Did the hedge run along between the meadow and the roadway, is that what you mean?
A. No, not on the edge of the road.

Q.45. I want you to show me on this piece of paper the place where you and Weigel put the flyer down. I want you to show the roadway and mark the position of Holzer's car and Schaefer's car and I want you to indicate to me where this hedge was about which you have been speaking.
A. (Witness makes sketch on piece of paper).

Sheet of paper showing the sketch is marked Exhibit "A", signed by W/C Durdin, and attached to the proceedings.

Q.46. What is the approximate distance between the position of the cars of Holzer and Schaefer, as you have marked them on the sketch?
A. 100 metres from Holzer's.

Q.47. And how far is it from the position of Holzer's car as you have indicated it on the sketch, to the place where you and Weigel put the flyer on the ground, as you have indicated on the sketch?
A. I should say approximately 15 metres. It could be a few more.

Q.48. I want you to indicate with this blue pencil the course which you and Weigel took as you carried the flyer from the car to the place where you put him on the ground.
A. (Witness indicates on exhibit "A", with blue pencil).

Q.49. Now this hedge that you have been speaking about, would it be more correct to describe this as undergrowth or bushes which are growing at the edge of the woods - would that be correct?
A. Yes, what usually grows at the edges of woods.

Q.50 Now, this arrow mark or "V" mark which you have indicated on the sketch beside the flyer, that is to indicate the direction in which the flyer was facing when you and Weigel put him on the ground - is that correct?

A. Yes.

Q.51 Which way did Holzer and Schaefer approach the place where the flyer was sitting - did they come through the woods or did they come around on the side of the hedge nearest the bridge?

A. The same way which I and Weigel followed.

Q.52 And am I also to understand that when you say you turned around and moved two metres away from the flyer that would take you out into the opening so that you would have a clear view towards Schaefer's car uninterrupted by the bushes, is that correct?

A. Yes.

Q.53 And after you had moved back these two metres did you see Schaefer and Holzer immediately?

A. Yes.

Q.54 Then do I take it that as you moved away from the flyer you met Schaefer and Holzer almost immediately, is that correct?

A. No, I saw them arriving.

Q.55 Arriving where - at what point?

A. Towards us and then directly to the spot where the flyer was sitting.

Q.56 But as you moved away from the flyer you would be moving towards Holzer and Schaefer, Had they come into view when you started to move away from the flyer or when did you first see them?

A. No, only when I got to the distance of two meters then I saw them.

Q.57 How far were they from you then?

A. The moment when I saw them they could have been seven metres.

Q.58 So that they were following almost immediately behind you, is that correct?

A. Yes, in the distance. They must have been within a certain distance.

Q.59. They must have been within a very short distance of you musn't they?

A. Yes.

Q.60. How do you account for the fact that Schaefer would be able to walk 100 metres from his car to Holzer's car without being some considerable distance behind you and Weigel?

A. At the time when Holzer's car stopped, Schaefer was about 100 metres away but while Holzer gave us the order to get out of the car and assist the flyer getting out of the car, by the time we got out of the car Schaefer's car had in the meantime caught up with Holzer's car.

Q.61. Do I understand then that the position of Schaefer's car as you have marked it on the sketch is intended by you to indicate the position of that car at the time Holzer stopped his car - is that right?

A. Yes.

Q.62. But Schaefer actually brought his car up behind that of Holzer and parked it there before getting out, is that correct?

A. Yes.

Q.63. When was it that Schaefer made some remark about the flyer not having been finished off yet? When did he say that?

A. At the moment when we sat the flyer down he yelled "haven't you finished him off yet"?

Q.64. That was at a time when you could not see Schaefer yet, is that correct?

A. Yes.

Q.65. And to whom was he shouting - you and Weigel?

A. Yes.

Q.66. Did anybody answer him?

A. No.

Q.67. During this time that you moved away from the flyer for this distance of two metres, did you hear any shots fired at all?

A. No.

Q.68. How do you account for the fact that you would not hear a revolver being fired when you were within a distance of two metres of it?

- A. I don't know that. I can't explain that. I definitely did not hear it. I would definitely tell you about it if I did.
- Q.69. Was there any other shooting going on at the time?
- A. No, I don't think so.
- Q.70. But there is no doubt is there Ossenback that everybody there knew that they were there for the purpose of killing the flyer - that is correct, isn't it?
- A. Yes, that is correct.
- Q.71. Now from the time that Holzer's car left the kreisleitung with you Weigel, and the flyer, his car was leading and in front of Schaefer's all of the way, is that correct?
- A. Yes, all the time.
- Q.72. Are you positive that Schaefer's car did not pass that of Holzer's at any time.
- A. Yes, quite certain.
- Q.73. Was there any discussion between any of the people in the car in which you were riding as to where the flyer was being taken?
- A. No.
- Q.74. You all understood where he was being taken did you not?
- A. We thought where it was when they indicated the direction towards the woods, as Holger turned off the main road towards the woods and bridge. I then was quite certain that this flyer wouldn't be taken to the hospital but would be shot.
- Q.75. But you knew before you left the kreisleitung he was going to be shot - it was just a question of where he was going to be shot, that is correct, isn't it?
- A. That is right.
- Q.76. And until Holzer turned off the main road you did not know the spot that had been selected, is that what you mean?
- A. Yes, sir.
- Q.77. There had been no suggestion by anyone that he should be taken to a hospital was there?
- A. No.

Q.78. When Holzer's car arrived at the place where the shooting was to take place, was the car turned around on the road at all before the flyer was taken out of the car?

A. No, it stopped in the direction in which it drove up.

Q.79. And when you left the woods after shooting the flyer, did the car turn around and proceed in the direction from which it had come or did you leave the woods driving the car over the bridge and continuing along in the direction in which the car was facing?

A. Yes, it was turned around.

Q.80. And that was after the shooting was it?

A. Yes, after the shooting.

Q.81. Ossenbach, from the investigations that I have made and from the evidence I have obtained I am satisfied that all four of you who were there that night, Schaefer, Holzer, Weigel, and you, shot that flyer; what do you say about that?

A. Yes.

Q.82. There is no question of that is there that you, Schaefer, Holzer and Weigel, shot this third flyer about whom we have been talking?

A. That is correct.

Q.83. I want to be sure that you understand what I am saying to you Ossenbach - I am saying to you that you shot the flyer, Weigel shot the flyer, Holzer shot the flyer and Schaefer shot the flyer - that is correct, is it?

A. No.

Q.84. Do you tell me that you did not fire your revolver at all at any time during that night?

A. Yes.

Q.85. And the only part you played in it was taking the flyer out there in the car with the others and watching him being shot - is that what you say?

A. Yes.

Q.86. Have you ever told anybody that you shot this flyer?

A. No.

Q. 87. ~~Are you sure of that?~~

A. Yes.

Q. 88. There is no doubt in your mind is there that Weigel shot the flyer?

A. No.

Q. 89. There is no doubt in your mind is there that Weigel shot the flyer?

A. No.

Q. 90. You are perfectly satisfied in your own mind that he did shoot the flyer?

A. Yes.

Q. 91. You are positive Holzer shot the flyer aren't you - you saw him do it.

A. Yes.

Q. 92. And you are positive Schaefer shot the flyer, you saw him do it.

A. Yes.

Q. 93. How many times did Holzer fire into the flyer's body?

A. Once.

Q. 94. How many times did Weigel fire into the flyer's body?

A. I presume once.

Q. 95. Why do you presume once?

A. I did not see it, definitely not.

Q. 96. No one told Weigel to shoot the flyer did they?

A. Not as far as I could hear.

Q. 97. If anybody had told him you would have heard it would you not?

A. No, nobody said anything during the whole drive.

Q. 98. And none of the people who shot the flyer that night made any objection to it in any way, did they?

A. No.

Q. 99. They all fired without making any objection to doing it?

A. Yes, they did not refuse the order.

~~Q.100 And no one was forced to fire or shoot the flyer?~~
A. Not to my knowledge.

Q.101 Well, if they had been forced you would have seen it wouldn't you?
A. Yes.

Q.102 And you didn't see any such thing did you?
A. No, I have only seen when Holzer had the loading stoppage in his gun, three times.

Q.103 But when this supposed stoppage occurred, he continued to try and fire his gun, that is correct, isn't it?
A. Yes.

Q.104 And he tried to make it fire and it did fire, that is correct, isn't it?
A. Yes.

Q.105 And you didn't make any objection to this flyer being shot when you were there, did you?
A. No.

Q.106 Why is it you have never previously mentioned that you thought Weigel shot this flyer, except when you were interrogated at this unit a few days ago?
A. I have not done that because I hadn't seen that shot fired. If that is the case that Weigel shot the flyer, as he told me, then Weigel from the very beginning of the interrogation ought to have said that he shot the flyer. Despite the fact that I told him he should report the matter if his conscience bothered him and he actually did do the shooting, he did not report it and did not admit it on his interrogations. If I had personally seen the shooting I would have definitely reported it.

S/L EUSTACE DECLINES TO CROSS-EXAMINE THE WITNESS:

THE WITNESS WITHDRAWS:

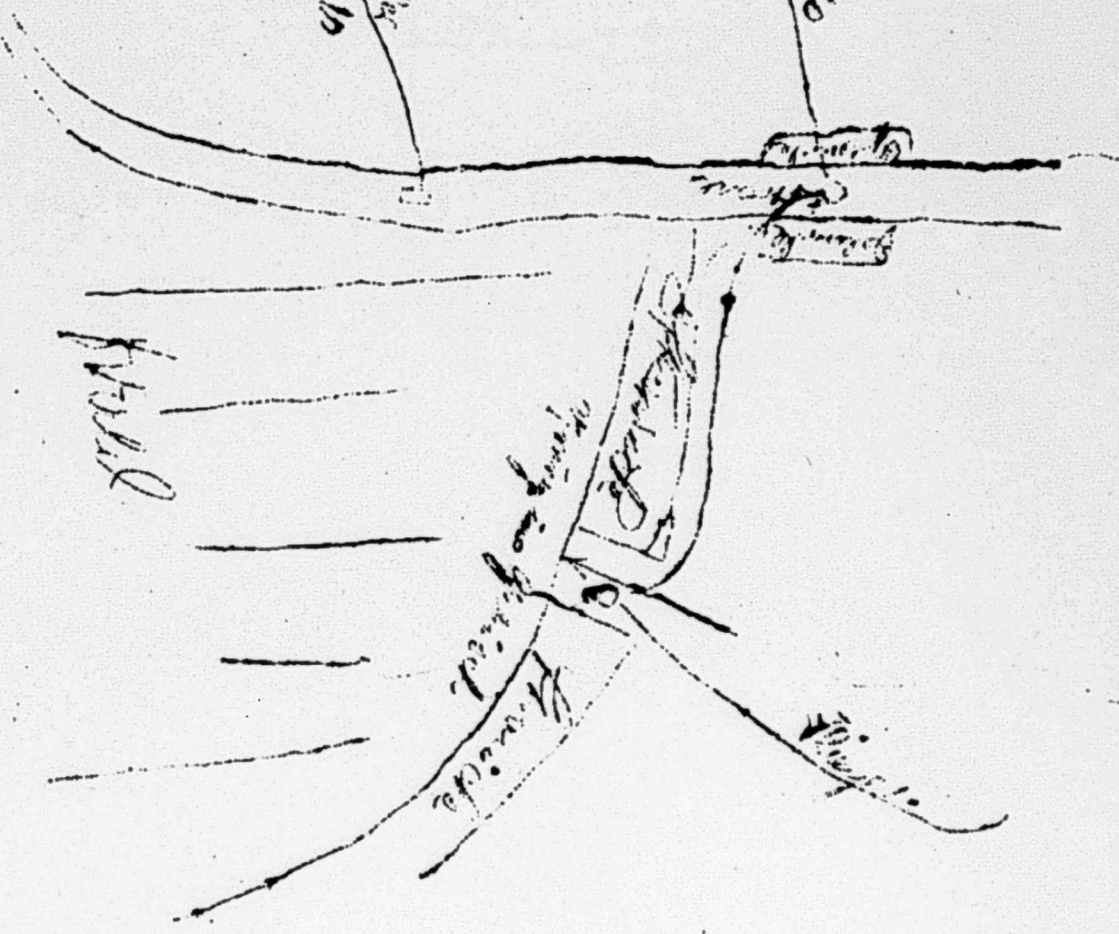
William W.
Quinn

A

H

Upper Side

Lower Side



We certify that the foregoing transcript consisting of 11 pages is a true record of the evidence given before us by the witness, Wilhelm OSS HUBACH.

"O.W. DURDIN" Wing Commander
Examiner

"J.L. EUSTACE" Squadron Leader
Cross - Examiner

EXHIBIT "G"
R.E. McBurney, A /V/H
President

At 1130 hours, March 13, 1946, Bad Salzuflen,
Germany, an investigation team composed of:

Wing Commander O.W. Durdin
Examiner

Squadron Leader J.L. Eustace,
Cross-Examiner

Flight Lieutenant G.W. Low
Interpreter (German)

CAN.R.72287 F/Sgt D.W. Hunter
Shorthand Reporter

assembled to take the evidence of

WALTER WEIGEL

The interpreter and reporter are duly sworn.

Walter Weigel, being duly sworn, is examined
by Wing Commander Durdin:

Q.1 Your full name is what?

A. Walter Weigel.

Q.2 Your age?

A. 40.

Q.3 Are you married?

A. Yes.

Q.4 How many children have you?

A. One.

Q.5 And you were a member of the Politische
Staffel at Opladen in the month of March,
1945, is that correct?

A. Yes.

Q.6 And you were present at the kreisleitung
on a night in the latter part of March,
1945, when three Canadian flyers were
brought in, is that correct?

A. Yes.

Q.7 What kind of uniforms were they wearing?

A. This uniform (indicating uniform worn by
F/L Low who is wearing R.C.A.F. blue battle
dress).

Q.8 And what badges or insignia did you see
on the uniforms?

A. One had braid on the shoulder but I don't
recall how many.

Q.9 Did you see any other badges or insignia
on the uniforms?

A. No, I can't remember.

Q.10 Listen, Weigel, start thinking. You signed
an affidavit last week in which you said you
saw Canada flashes on his shoulder. Did you
or didn't you?

A. Yes, the Canada badge I did see.

Q.11 You saw it on all of the flyers, didn't
you?

A. Yes.

Q.12 What time of the afternoon was it these
people were brought into the kreisleitung?

A. About three o'clock.

Q.13 Do you know what the exact date was?
A. No, I can't remember.

Q.14 And you know what happened to all of these three pilots, don't you Weigel?
A. Yes.

Q.15 Is it true that they were each taken away from the kreisleitung at about an interval of about one half-hour each, to be shot, is that correct?
A. Yes, that is right.

Q.16 And before they were taken away all of the people at the kreisleitung that belonged to the Politische Staffel knew what was going to be done with the flyers, that is correct too, isn't it?
A. I presume so. I couldn't say so exactly.

Q.17 But it was generally talked about at the kreisleitung between all of you and you know that everybody there had heard that it was proposed to take these flyers out and shoot them, that is correct, isn't it?
A. Yes. All the people who were present in the room, I presume they knew about it but I don't know if all the members of the Politische Staffel were in the room.

Q.18 Do you mean that all the members of the Politische Staffel that were there that afternoon and evening knew about it?
A. I repeat again, I don't know that for certain.

Q.19 But you believe they did, is that correct?
A. Yes, I presume that they all knew it.

Q.20 Ossenbach knew it, didn't he?
A. Yes.

Q.21 Caspers knew it, didn't he?
A. Yes.

Q.22 Broichhaus knew it, didn't he?
A. Yes.

Q.23 Holzer knew it, didn't he?
A. Holzer, certainly.

Q.24 Winkels knew it, didn't he?
A. Yes, I presume. Winkels gave us the order to go along with them.

Q.25 When you say "us" who do you mean?

A. He gave the order to Ossenbach and myself to take the flyer out to the car since he was wounded.

Q.26 And you took him out to the car with Ossenbach, that is correct, isn't it?

A. Yes.

Q.27 And you met Schaefer out at the car, that is correct, isn't it?

A. Yes.

Q.28 And where did you meet Holzer when you were taking the flyer out?

A. I can't recall exactly whether he was already outside or whether he was still in the room.

Q.29 And whose car did you ride in, Holzer's or Schaefer's?

A. Holzer's.

Q.30 And with you was Ossenbach, Holzer and the wounded flyer?

A. Yes.

Q.31 And Schaefer's car followed Holzer's car as it left the kreisleitung, is that right?

A. Yes, it came behind us.

Q.32 And did it follow it all the way to the place in the woods where the flyer was shot?

A. Yes.

Q.33 Are you sure that it didn't pass Holzer's car at some time on the way to the woods?

A. As far as I know he was always behind us.

Q.34 And when you arrived at the woods Schaefer's car was behind that of Holzer, is that correct?

A. Yes.

Q.35 And you and Ossenbach carried the wounded flyer in to a point on the edge of the woods, is that correct?

A. Yes.

Q.36 And put him on the ground?

A. Yes.

Q.37 Was he facing the woods or facing away from the woods?

A. The woods were to his right?

Q.38 You really placed him in a little opening between the bushes bordering on ~~the woods~~, that is correct, isn't it?

A. We went straight forward and then put him down.

Q.39 Were there some bushes around the place where you put him down?

A. To the left there was an open field.

Q.40 That is, to the left of the flyer as you put him down on the ground, is that correct?

A. Yes.

Q.41 So that he would be partially facing the woods and partially facing the undergrowth around the edge of the woods, is that correct?

A. The hedges were to his right.

Q.42 And there were hedges and bushes on two sides of him, weren't there?

A. The way he was sitting he might have had within his sight the hedges but the main part of the hedges were to his right.

Q.43 When you say "hedges" you mean the bushes and undergrowth around the edge of the wood, is that what you mean?

A. Bushes about the size of a man.

Q.44 And when you took the flyer from the car with Ossenbach did Holzer go along with you or did he remain at the car?

A. He followed us with the oberleutnant -- behind us.

Q.45 Holzer was driving the car that you rode to the woods in, is that correct?

A. Yes.

Q.46 Well, tell me what happened after Holzer stopped the car at this place near the woods.

A. I would like to add what I haven't said till now. When we put the flyer in the car at the kreisleitung the oberleutnant gave me the order to shoot the flyer afterwards.

Q.47 Do you mean when you were leaving the kreisleitung Schaefer spoke to you and told you you were to shoot the pilot, is that what you say?

A. Yes.

Q.48 Was Holzer present when this was said?

A. I believe he was already sitting in the front of the car.

Q.49 And were you in the car when Schaefer said this to you?

A. No.

Q.50 Where were you when Schaefer said this to you?

A. I was still standing outside.

Q.51 Whereabouts outside with relation to the car?

A. I estimate about two metres.

Q.52 You mean you were standing about two metres from the car when Schaefer said this to you?

A. Yes.

Q.53 Was the car door open?

A. We had just put the flyer in the front seat of the car and closed the door there and were just about to enter the car when the ober-leutnant told me.

Q.54 Was Ossensbach standing there when this was said?

A. As far as I can remember Ossensbach was standing at the other side of the car ready to get in.

Q.55 When he said this to you what did you say?

A. I made no remarks to that but entered the car.

Q.56 Then Holzer's car drove along and Schaefer's car followed it to the woods, is that correct?

A. Yes.

Q.57 Was anything said on the way to the woods by any person in your car as to where the flyer was going to be shot?

A. No.

Q.58 Who decided the place where he would be shot?

A. I think Holzer decided it on his own.

Q.59 He just drove directly to the place, is that correct?

A. Yes.

Q.60 Did he say anything when he stopped the car?

A. He ordered us to carry the pilot out.

- Q.61 What did he say to you?
A. I can't remember the exact words but he said something like "Now you both carry him out and carry him down there".
- Q.62 Did he indicate the place in the woods to which you were to carry the flyer?
A. We carried him down a slope and as we were carrying him the oberleutnant yelled "Haven't you finished yet?" and then we put him down.
- Q.63 Did he say "Haven't you finished yet?" or did he say "Haven't you finished him off yet?"
A. Well, he expressed himself: "Have you not finished yet?"
- Q.64 What did you understand he meant by that? Was he asking you if you had not killed the flyer yet? Is that what you understood him to be asking?
A. Yes, I presumed he meant that.
- Q.65 Yes, then what did you do?
A. I drew my pistol with the firm intention not to shoot the pilot but to shoot in a different direction.
- Q.66 Yes, and what ~~did~~ you do?
A. I did that, too.
- Q.67 What did you do?
A. I did not aim at the pilot but in a slightly different direction.
- Q.68 You would be about half a metre from the pilot at this time, is that right?
A. I stood about half a metre or one metre from him.
- Q.69 And was the pilot in a sitting position on the ground at this time?
A. Yes, he was sitting.
- Q.70 And were you facing the flyer when you fired your revolver?
A. Yes.
- Q.71 And how far was Schaefer and Holzer from you when you fired your revolver?
A. About two or three metres but it could have been a bit more.
- Q.72 And where was Ossenbach when you fired your revolver?
A. Ossenbach also stood with us.

Q.75 How far away from you would you say Ossenbach was when you fired your revolver?

A. It might have been a distance of one metre.

Q.74 And was he behind the flyer or in front of him?

A. He was behind the flyer.

Q.75 And was he facing you and the flyer when you fired your revolver?

A. I can't recall in which direction he was facing.

Q.76 And did you fire your revolver almost immediately after you put the flyer on the ground?

A. We both withdrew a bit and then I drew my gun and fired.

Q.77 And at what part of the body did you shoot the flyer?

A. No, I shot past him. I had no intention to shoot him.

Q.78 To which side of the pilot did you shoot, right or left?

A. I can't recall that any more.

Q.79 And were you standing up when you fired the shot?

A. Yes, I was standing.

Q.80 And your back would be to Holzer and Schaefer, is that correct?

A. Yes.

Q.81 And were you standing on the right or left side of the pilot or in front of him?

A. No, we stood behind the pilot.

Q.82 When you say "we stood behind the pilot" who do you mean?

A. Well, as I said, we both stood behind him. Ossenbach stood perhaps a metre to my side.

Q.83 And Schaefer and Holzer, which side did they stand on?

A. They were standing further back.

Q.84 And after you fired the shot, Weigel, did the flyer continue to remain in a sitting position?

A. I believe so. He remained sitting.

Q.85 But you agree that it is possible that after you fired the shot he was lying down on his back. Do you agree with that?

A. I wouldn't know that.

Q.86 Now, did anyone else fire at the pilot?

A. Yes, the Feldwebel.

Q.87 And how close to the flyer was he when he shot at him?

A. He was also a metre away from him.

Q.88 In what part of the body did he shoot the flyer?

A. In the head.

Q.89 In which side of the flyer's head did he shoot him?

A. I believe it was the right side.

Q.90 Now, did anyone else shoot the flyer besides Holzer?

A. Yes. Afterwards the oberleutnant wanted to give him a final shot.

Q.91 And did he?

A. Yes.

Q.92 Where did he shoot the flyer, in what part of the body?

A. Also in the head.

Q.93 Did anyone say anything after you had fired your revolver?

A. Yes. He must have seen that I didn't hit the flyer so then he gave an order to the Feldwebel to shoot him.

Q.94 What did Schaefer say to Holzer?

A. "Shoot that man there" or similar words.

Q.95 And what did Holzer then do?

A. Holzer then approached the pilot and drew his pistol. Whether there was an actual loading stoppage or whether he was just pretending, I don't know. Then he tried his pistol a few times. It didn't function at first and then he shot.

Q.96 And he shot the flyer in the head, is that right?

A. Yes.

Q.97 He didn't make any objection to shooting him, did he?

A. Not that I know of.

Q.98 Well, if he had you would have heard it, wouldn't you?

A. Yes, I presume so.

Q.99 In fact you know you would have if he made any objection, wouldn't you?

A. Well, I presume so. I was excited myself and if he had said something I presume I would have heard it.

Q.100 Then who else shot the flyer besides those you have told me?

A. The feldwebel and the oberleutnant.

Q.101 By the feldwebel you mean Holzer?

A. Yes.

Q.102 And then when did Schaefer shoot him?

A. After Holzer had shot.

Q.103 Do you hear immediately after Holzer had shot?

A. Yes. He said "I want to give him the final shot".

Q.104 Was the flyer lying on the same place on the ground when Schaefer shot him?

A. Yes.

Q.105 And after Schaefer shot what was done with the flyer?

A. He gave us the order to carry the pilot into the bushes.

Q.106 Who do you mean by "we"?

A. Ossenbach and myself.

Q.107 And what did Schaefer say?

A. "Carry him into the bushes" pointing at the bushes.

Q.108 And was it before the flyer was carried into the woods or after that Schaefer shot him?

A. Before.

Q.109 Now, on the way back from the woods what car did you ride in and who was with you?

A. Ossenbach, Holzer and myself.

Q.110 And who drove the car?

A. Holzer.

Q.111 On the way back did you have a conversation with Ossenbach in the car in which you told him that you had shot the flyer?

A. I didn't say much to Ossenbach. I was still too excited about the whole incident.

Q.112 But if he says that you told him while you were returning in the car that you shot the flyer you agree that that is correct, do you not?

A. I can't recall that. I kept silent on the way back over the whole incident.

Q.113 But you agree that it is possible that you did say that?

A. I wouldn't deny it but I don't remember it.

S/L EUSTACE DECLINES TO CROSS-EXAMINE.

WITNESS WITHDRAWS.

We certify that the foregoing transcript consisting of ten pages is a true record of the evidence given before us by the witness, Walter WEIGEL.

"OW DURDIN"

Wing Commander
Examiner

"JL EUSTACE"

Squadron Leader
Cross-examiner

SWORN STATEMENT OF

TEC 5, EUGENE C. ERNST

That I, EUGENE C. ERNST, Tec 5, ASN 33835145, Hq 7th US Army, WCD in FOG APO 758 US Army having been duly sworn, state:

1. That as an interpreter (see qualifications affidavit Exhibit 18) under the direction of Capt. R.F. APONTE, Investigating Officer, I took an active part in investigating the matters involved in Case No 7WCD-FOG-15-312 and set forth in Ltr Hq 94 Inf. Div. dated 13 June 1945, Subject: Alleged War Crime (Shooting of 3 Canadian Airmen by order of Kreisleiter BRINKSCHULTE).

2. That in the course of such investigation I was unable to find proof of shooting of 3 Canadian airmen by order of Kreisleiter BRINKSCHULTE. I did ascertain however from HUBERT BREICHELUS one of the witnesses mentioned in said letter and from the witnesses whose statements are attached as exhibits to the report in this case that at least two Canadian fliers were murdered in Kreis OPLADEN on or about the 23 March 1945 by direct order of Wehrmacht, Lt. SCHLAFFER, formerly Kreisleiter of Kreis GRIEWENBERG and that ROBERT HOELZER and HUBERT BREICHELUS did the actual shooting.

3. That I was directed to the respective graves of the two fliers, who were killed in this case, by WILLI OSSENBACH, WALTER WEIGEL and JOSEF CASPERS. I was present on 25th and 26th September when the bodies were disinterred in the presence and under the direction of MAX BERG, Capt. M.C. pathologist of this Detachment, whose affidavit is a part of this report (Exhibit 10) and while the autopsies were being performed by Capt. BERG. I had been directed to the graves in the following manner:

a. After questioning WILLI OSSENBACH and ascertaining from him that he had with WEIGEL's assistance (Exhibit 1) buried the flier who had been shot by HOELZER. I asked him to direct me to the grave. OSSENBACH took me to the spot which he said, was the grave and at such spot he described the exact position in which the body had been buried. On the following day WALTER WEIGEL led me to the same spot. On 25th Sept 45 I directed Capt. BERG to the spot and upon disinterment the body was found to be in the exact position described by OSSENBACH.

b. The same procedure was followed in connection with the flier who had been shot by BREICHELUS. (Exhibit 7) JOSEF CASPERS directed me to the grave, and subsequent disinterment by Capt. BERG at which I was present confirmed the description which CASPERS had previously given me.

4. Although I am satisfied that a third flier was killed at this same time I was unable to obtain any satisfactory proof.

5. I have made this affidavit at the request of the Reviewing Officer of this detachment and in the absence of the Investigating Officer Capt. R.F. APONTE who has been redeployed to the U.S.

(signed) "Eugene C. Ernst"

EUGENE C. ERNST, 33835145
Tec 5, Interpreter

Sworn and subscribed to before me this 3rd
day of Nov 1945 in BAD NEUENAUHR, Germany.

(signed) "Werner G. Dietrich"

WERNER G. DIETRICH
Capt. MAC
Investigating Officer

W. E. McBurney, Jr./F/la
President

AFFIDAVIT OF MAX BERG

Before me, the undersigned being duly authorized to administer oaths under Article of War 114, personally appeared Captain Max BERG, O-350334, Pathologist, assigned to War Crimes Investigating Team 6830, Seventh Army, War Crimes Detachment, French Occupied Germany, APO 758, US Army, who is known to me, and who being by me first duly sworn and deposed and stated on oath as follows:

I, Max Berg, was graduated from the University of Illinois, College of Medicine, in 1935, receiving the degree of Doctor of Medicine. I served a six months internship at the Kankakee State Hospital and a years internship at the Los Angeles County Hospital in 1935. In 1936 I began my post-graduate work in the Department of Pathology at the University of Illinois, College of Medicine, in the course of which a knowledge of, and experience in, autopsies was gained. In addition, I engaged in experimental studies in the field of Pathology and experimental medicine leading to the degree of Doctor of Philosophy in Pathology in 1941. I was an Associate in the Department of Pathology at the University of Illinois at the time of my entrance into the Army. I was licensed to practice medicine in the State of California in 1935 and in the State of Illinois in 1936. I was also on the staff of the Woodlawn and Englewood Hospitals in Chicago. In the Army I have served as a Squadron Surgeon and a Group Surgeon in an Air Service Group, as a Director of Industrial Medicine of both ATSC Training Centre and 840th Specialized Depot at Fresno, California, and as the Pathologist at the AAF Regional Hospital at Davis-Monthan Field, Tucson, Arizona.

I did myself perform an autopsy on a British aviator on 25 September 1945, whose body had been disinterred in my presence and under my supervision from a small woods adjacent to the Opladen Friedhof (cemetery) at Opladen (WF4874), Germany, on 25 September 1945. I also did myself perform an autopsy on a British aviator on 26 September 1945 whose body had been disinterred in my presence and under my supervision from a plot of woods located 1 kilometer north of Neukirchen (Kreis Rhine-Wupper) (WF5176), Germany, on 26 September 1945. Included herewith is my report of these autopsies which consists of five (5) pages, each of which bears my personal signature in the left hand corner, and seven (7) photographs each of which bear my signature and a bullet which has been marked by me V.

(Sgd) Max Berg
MAX BERG
Capt MC

Subscribed and sworn to before me, the undersigned authority on this 4th day of October 1945 at Bad Neuenahr, Germany.

(Sgd) Lester C. Migdal
LESTER C. MIGDAL
Capt. CE
Investigating Officer

PATHOLOGIST'S REPORT

Report on the post-mortem examinations of the bodies of (2) British aviators.

NAMES

Body unknown	labelled Body A
Body unknown	labelled Body B

DATE OF AUTOPSIES: 25 September 1945 and 26 September 1945.

PERSONS IDENTIFYING BODIES: Capt. Max Berg, O-350334;
2nd Lt. Ronald Gregory, O-1590566;
Tec 5 John P. Buchanan, 39207937.

PRESENT AT AUTOPSIES: Capt. Max Berg, 2nd Lt. Ronald Gregory, Tec 5 John P. Buchanan.

The first body, Body A, was disinterred by the local grave diggers under my supervision and direction on the 25 September 1945. The second body, Body B, was disinterred by the local grave diggers under my supervision and direction on the 26 September 1945.

GRAVES: The grave containing Body A was located in the woods, fifty (50) yards from the Opladen Friedhof (cemetery) Opladen (WF4874) Germany. It was unmarked and covered over with brush and weeds. After digging down a foot and one-half the body was encountered. It was lying on its back with the head pointed towards the east. There was no coffin, blanket, shroud or any other covering over the body. It was clothed in the uniform of the RAF.

The grave containing Body B was located in the woods, 1 kilometer north of Neukirchen (Kreis Rhine-Wupper) (WF5176), about fifty (50) yards east of the Sollinger Strasse. The grave was marked by a flat rock which had been placed over the head. The grave was untended and covered with weeds. After digging down one (1) foot the body was encountered. It was lying on its back with the head pointed towards the west. There were no coffin, blanket, shroud or other covering over the body. It was clothed in the uniform of the RAF.

PATHOLOGICAL REPORT

BODY: Identification and clothing.

The body (Body A) was clothed in a dark blue jacket. In the left pocket were found a number of pieces of candy-covered chewing gum. On the inside of the jacket was seen a laundry mark, 2DM191, and the label which read as follows: "Suits, Air Crew, Blouse, Size #14. Height 5'11" to 6'. Breast 39" to 40"--38. Brothers, Limited". Pinned on the inside of the jacket was an oblong piece of mother of pearl measuring 1x4 cm. on which was engraved "J". Beneath the jacket were a wool sweater, a suede vest with a zipper in front, a blue shirt with a khaki tie around the neck, a wool undershirt with buttons in front, long wool drawers and finally short cotton drawers with the mark LM 3258.

GENERAL APPEARANCE:

The body was that of a badly decomposed white male about 70 inches in length.

HEAD:

The head was decomposed and masserated. There was a moderate amount of straight black hair adhering to the scalp. Due to the decay the features were no longer recognizable. There was a hole in the scalp 1 cm in diameter in the right temporal region. Between the scalp and the skull in this region were found several small spicules of bone. At the suture between the right parietal and right sphenoid bone there was a somewhat irregular oval shaped hole measuring 1.1x1.4 cm. The be- extended outward from this hole. This was the point of exit of a bullet. A hole was found in the scalp in the left temporal region just above the left ear which measured 1 cm in diameter. An oval shaped hole was found in the left temporal bone about 3 cm above and anterior to the left mastoid prominence. It measured 1.1x1.4 cm and the bevel extended inward. This was the point of entry of the bullet.

NECK:

The neck was markedly decayed. No bullet holes or fractures were seen.

CHEST:

The chest was moderately decayed.

LUNGS: The left pleural cavity was smooth and partially filled with about 350 cc of a reddish sero-sanguinous fluid. The lung was dark, shrunken and decayed. The right pleural cavity and lungs presented an appearance similar to the left.

HEART: The heart was flattened, dark, shrunken and decayed.

ABDOMEN:

The abdominal contents were markedly decayed.

EXTREMITIES:

Both upper and lower extremities were decayed. No fractures or bullet wounds were found.

CAUSE OF DEATH:

Bullet wounds of skull. The point of entrance being in the left temporal region and the point of exit being in the region of the suture between the right sphenoid and right parietal bones.

NOTE:

It is believed that the bullet wounds of the skull were caused by one bullet fired directly from the left of the individual from an undetermined distance.

PATHOLOGICAL REPORT**BODY: Identification and Clothing.**

The body (Body B) was clothed in a yellow sweater, a blue cotton shirt of the type worn by the RAF and blue wool trousers. Beneath these were found a cotton undershirt, long cotton drawers, and blue wool socks. No laundry marks or labels of any type were seen.

GENERAL APPEARANCE:

The body was that of a badly decomposed white male about 65 inches in length.

HEAD

The head was markedly decomposed. Bits of dark brown hair were present over the scalp. The features were no longer recognizable. There was a large oval irregularly shaped hole measuring 1.3x3.1 cm located in the anterior portion of the right temporal bone and extending into the right sphenoid bone. Extending down from this hole for a distance of 1.5 cm there was a separation of the suture line between the right temporal bone and the wing of the sphenoid bone, and a separation of the suture line between the wing of the right sphenoid bone and the frontal bone. In the massetered soft tissue in the left temporal region was found a small bullet of about .32 calibre (7.65). There

was a large irregular hole located in the left temporal and adjacent left parietal bones measuring 3.5x2 cm. At the upper margin of this hole the bevel extended outwards. Below this hole was found a triangular loosely adherent piece of temporal bone measuring 2x1.5 cm. Extending forward from this hole was a flap of bone which was loosely adherent above and free below. It consisted of the anterior portion of the temporal bone and the adjacent portion of the wing of the sphenoid bone. On lifting off this flap a hole was seen which was continuous with the last mentioned one. Taken together they formed a butterfly shaped hole which measured 5.5x4 cm in greatest diameter.

NECK:

The neck was completely decomposed. No fractures were visible.

CHEST:

The chest was moderately decomposed. Fractures were present of the 3rd, 4th and 5th ribs, left side, 2 cm from the sternal margin and of the 3rd and 4th ribs, right side 2 cm from the sternal margin.

LUNGS: The right and left pleural cavities were smooth and filled with about 400 cc of a reddish sero-sanguinous fluid respectively. The right and left lungs were shrunken, blackish and decayed.

HEART: The pericardial cavity was smooth. The heart was dark, flattened, shrunken and decayed.

ABDOMEN:

The abdominal contents were moderately decayed obscuring the anatomic details.

EXTREMITIES:

The upper extremities were completely decayed. No fractures were seen. The lower extremities were moderately decayed, the skin having an almost cheesy consistency. There was a laceration through the middle third of the anterior surface of the left leg through which projected the pointed end of the distal fragment of the fractured left tibia. There was a spiral fracture through the middle third of the left tibia. A simple fracture of the middle third of the left fibula was also found. No other fractures were found.

CAUSE OF DEATH:

1. Multiple bullet wounds of the skull.
2. Fractured ribs.
3. Compound fracture left tibia.
4. Simple fracture left fibula.

NOTE:

It is believed that the cause of death here was primarily bullet wounds of the skull, the result of the penetration of two bullets. These bullets were fired by a pistol from the right of the individual. Both entered the right temporal region in about the same place forming one oval hole and emerged close together forming a butterfly shaped hole in the left temporal sphenoid bones. One of the bullets was lodged in the soft tissues in the left temporal region. It is therefore a reasonable assumption that the bullets were fired from a close distance, possibly less than 10 feet. The other injuries which were found at autopsy, in themselves were of such a nature and severity as not to be immediately fatal and from which a recovery could have reasonably been expected.

The following photographs were taken by Tec 5 John P. Buchanan, 3920937, under my direction in my presence in a small woods adjacent to the Opladen Friedhof (Cemetery) at Opladen (WF4874) Germany from 1300 to 1500 on 25 Sept. 1945 and bear my certification. They are as follows:

The first photograph is a scene of the untended grave in the woods and is attached hereto as Exhibit C.

The second photograph is a scene showing three grave diggers disinterring the grave and is attached hereto as Exhibit D.

The third photograph is a view of the body of an unknown British flyer (Body A), showing a bullet hole in the region of the suture between the right sphenoid and right parietal bones and attached hereto as Exhibit E.

The following photographs were taken by Tec 5 John P. Buchanan, 39207937, under my direction in my presence in a plot of woods located 1 kilometer north of Neukirchen (Kreis Rhine-Wupper) (WF5176) Germany, from 1300-1500 on 26 Sept. 1945 and bear my certification. They are as follows:

The first photograph is a scene showing the grave in the woods marked by rocks and is attached hereto as Exhibit F.

The second photograph is a view of the body of an unknown British flyer (Body B) showing a bullet hole in the right temporal region and is attached hereto as Exhibit G.

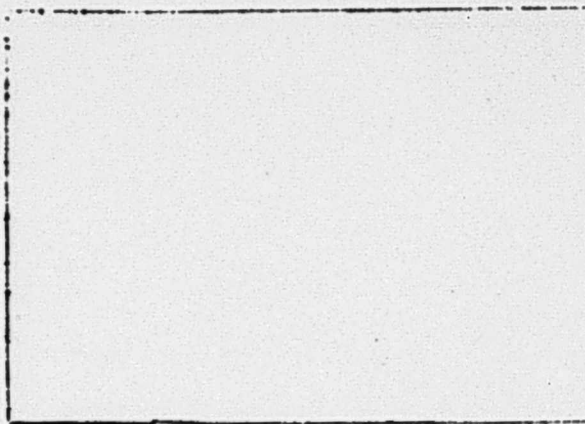
The third photograph is a view of the same unknown British flyer (Body B) showing a bullet hole in the left temporal region and is attached hereto as Exhibit H.

The fourth photograph is a view of the bullet removed from the head of the unknown British flyer (Body B) and a ruler which measures in inches, and is attached hereto as Exhibit I.

The bullet which was removed from the head of the unknown British flyer (Body B) which is approximately .32 calibre (7.65) and is marked at the back end with a V is attached hereto as Exhibit J.

(SGD) MAX BERG
Capt. MC

Photograph of untended grave in woods.
Exhibit "C" to affidavit of Max Berg.



Before me, the undersigned being duly authorized to administer oaths under Article of War 114, personally appeared Captain MAX BERG, O-350334, Pathologist, assigned to War Crimes Investigating Team 6830, Headquarters Seventh US Army, who is known to me, and who being by me first duly sworn and deposed and stated on oath as follows:

I have been assigned to War Crimes Investigating Team 6830 by duly constituted authority; I was present at the time and directed and supervised the taking of the photograph affixed to the reverse hereto, which photograph has been marked by me Exhibit C and bears my personal signature; said photograph was taken on the 25th day of September 1945 at a small woods adjacent to the Opladen Friedhof (cemetery) at OPLADEN (WF4874), Germany. It is a true and correct reproduction of and accurately depicts the following scene as it appeared at said time and place:
A scene of the untended grave in the woods.

(SGD) MAX BERG
Capt. MC
War Crimes Investigating Team 6830

Subscribed and sworn to before me, the undersigned authority on this 16th day of October at Bad Neuenahr, Germany.

(SGD) LESTER C. MIGDAL
Capt. CE
Investigating Officer.

Photograph showing three grave diggers disinterring the grave. Exhibit "D" to affidavit of Max Berg.



Before me, the undersigned being duly authorized to administer oaths under Article of War 114, personally appeared Captain MAX BERG, O-350334, ~~Pathologist~~, assigned to War Crimes Investigating Team 6830, Headquarters Seventh US Army, who is known to me, and who being by me first duly sworn and deposed and stated on oath as follows:

I have been assigned to War Crimes Investigating Team 6830 by duly constituted authority; I was present at the time and directed and supervised the taking of the photograph affixed to the ~~report~~ hereto, which photograph has been marked by me Exhibit D and bears my personal signature; said ~~photograph~~ was taken on the 25th day of September 1945 at a small woods adjacent to the Opladen Friedhof (cemetery) at OPLADEN (T4874), Germany. It is a true and correct reproduction of and accurately depicts the following scene as it appeared at said time and place:
A scene showing three grave diggers disinterring the grave.

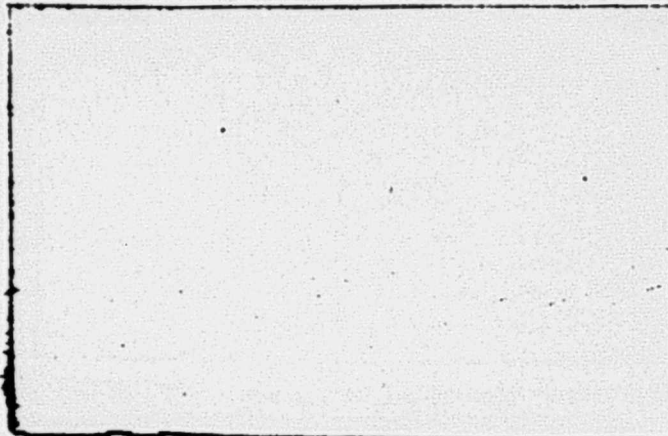
(SGD) MAX BERG
Capt. MC

War Crimes Investigating Team 6830

Subscribed and sworn to before me, the undersigned authority on this 16th day of October 1945 at Bad Neuenahr, Germany.

(SGD) LESTER C. HIGDAL
Capt. CE
Investigating Officer.

Photograph of Body of unknown Canadian flyer (Body A) showing bullet hole in the region of the suture between the right sphenoid and right parietal bones. Exhibit "E" to affidavit of Max Berg.



Before me, the undersigned, being duly authorized to administer oaths under Article of War 114, personally appeared Captain MAX BERG, O-350334, Pathologist, assigned to War Crimes Investigating Team 6830, Headquarters Seventh US Army, who is known to me, and who being by me first duly sworn and deposed and stated on oath as follows:

I have been assigned to War Crimes Investigating Team 6830 by duly constituted authority; I was present at the time and directed and supervised the taking of the photograph affixed to the reverse hereto, which photograph has been marked by me Exhibit E and bears my personal signature; said photograph was taken on the 25th day of September 1945 at a small woods adjacent to the Opladen ~~Friedhof~~ (cemetery) at OPLADEN (74874), Germany. It is a true and correct reproduction of and accurately depicts the following scene as it appeared at said time and place:

A view of the body of an unknown British flyer (Body A) showing a bullet hole in the region of the suture between the right sphenoid and right parietal bones.

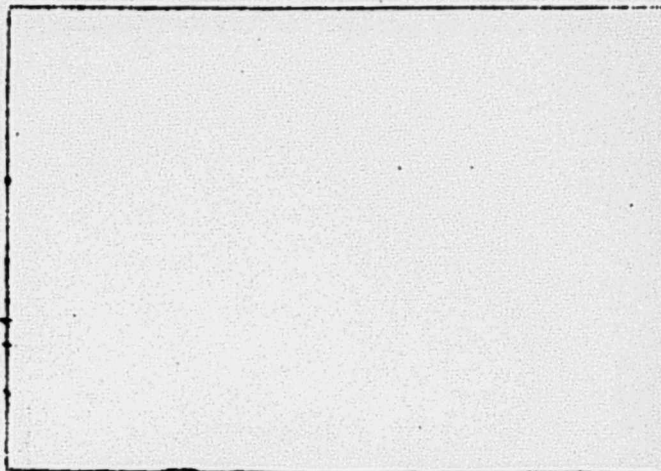
(SGD) MAX BERG
Capt. MC

War Crimes Investigating Team 6830

Subscribed and sworn to before me, the undersigned authority on this 16th day of October 1945 at Bad Neuenahr, Germany.

(SGD) LESTER C. HIGDAL
Capt. CE
Investigating Officer.

Photograph of grave in woods marked by rocks.
Exhibit "F" to affidavit of Max Berg.



Before me, the undersigned being duly authorized to administer oaths under Article of War 114, personally appeared Captain MAX BERG, O-350334, Pathologist, assigned to War Crimes Investigating Team 6830, Headquarters Seventh US Army, who is known to me, and who being by me first duly sworn and deposed and stated on oath as follows:

I have been assigned to War Crimes Investigating Team 6830 by duly constituted authority; I was present at the time and directed and supervised the taking of the photograph affixed to the reverse hereto, which photograph has been marked by me Exhibit F and bears my personal signature; said photograph was taken on the 26th day of September 1945 at the plot of woods located 1 kilometer north of NEUKIRCHEN (Kreis Rhein-Sappor) (WF5176), Germany. It is a true and correct reproduction of and accurately depicts the following scene, as it appeared at said time and place: A scene showing the grave in the woods marked by rocks.

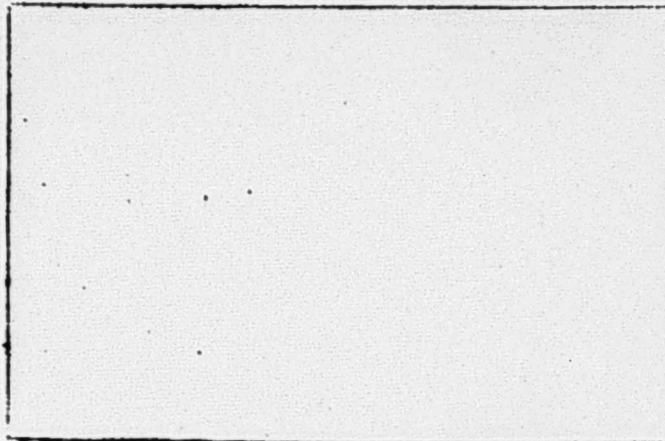
(SGD) MAX BERG
Capt. MC

War Crimes Investigating Team 6830

Subscribed and sworn to before me, the undersigned authority on this 16th day of October 1945 at Bad Neuenahr, Germany.

(SGD) LESTER C. HIGDAL
Capt. CE
Investigating Officer.

Photograph of body of unknown Canadian flyer (Body B) showing a bullet hole in the right temporal region. Exhibit "G" to affidavit of Max Berg.



Before me, the undersigned being duly authorized to administer oaths under Article of War 114, personally appeared Captain MAX BERG, O-350334, Pathologist, assigned to War Crimes Investigating Team 6830, Headquarters Seventh US Army, who is known to me, and who being by me first duly sworn and deposed and stated on oath as follows:

I have been assigned to War Crimes Investigating Team 6830 by duly constituted authority; I was present at the time and directed and supervised the taking of the photograph affixed to the reverse hereto, which photograph has been marked by me Exhibit G and bears my personal signature; said photograph was taken on the 26th day of September 1945 at the plot of woods located 1 kilometer north of NEUKIRCHEN (Kreis Rhine-Tupper) (WF5176), Germany. It is a true and correct reproduction of and accurately depicts the following scene as it appeared at said time and place: A view of the body of an unknown British flyer (Body B) showing a bullet hole in the right temporal region.

(SGD) MAX BERG
Capt. MC

War Crimes Investigating Team 6830

Subscribed and sworn to before me, the undersigned authority on this 16th day of October 1945 at Bad Neuenahr, Germany.

(SGD) LESTER C. MIGDAL
Capt. CE
Investigating Officer.

Photograph of body of an unknown Canadian flyer (Body B) showing a bullet hole in the left temporal region. Exhibit "H" to affidavit of Max Berg.



Before me, the undersigned, being duly authorized to administer oaths under Article of War 114, personally appeared Captain MAX BERG, O-350534, Pathologist, assigned to War Crimes Investigating Team 6830, Headquarters Seventh US Army, who is known to me, and who being by me first duly sworn and deposed and stated on oath as follows:

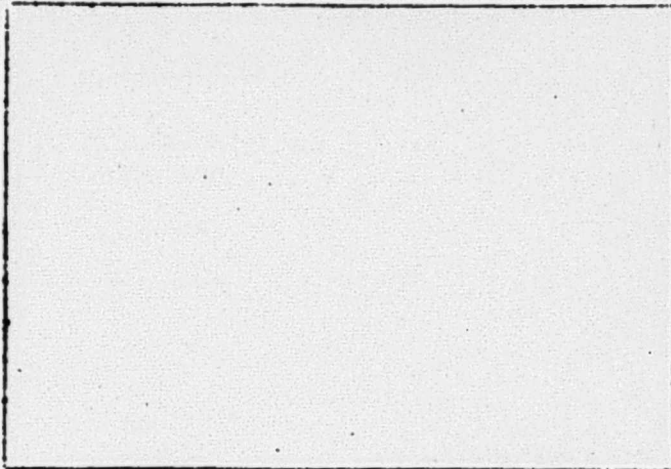
I have been assigned to War Crimes Investigating Team 6830 by duly constituted authority; I was present at the time and directed and supervised the taking of the photograph affixed to the reverse hereto, which photograph has been marked by me Exhibit H and bears my personal signature; said photograph was taken on the 25th day of September 1945 at a small woods adjacent to the Opladen Friedhof (cemetery) at OPLADEN (WF4874), Germany. It is a true and correct reproduction of and accurately depicts the following scene as it appeared at said time and place: A view of the body of an unknown British flyer (Body A) showing a bullet hole in the region of the suture between the right sphenoid and right parietal bones.

(SGD) MAX BERG
Capt. MC
War Crimes Investigating Team 6830

Subscribed and sworn to before me, the undersigned authority on this 16th day of October 1945 at Bad Nauheim, Germany.

(SGD) LESTER C. HIGDAL
Capt. CE
Investigating Officer.

Photograph of bullet removed from head of
unknown Canadian flyer (Body B). Exhibit "I"
to affidavit of Max Berg.



Before me, the undersigned being duly authorized
to administer oaths under Article of War 114,
personally appeared Captain MAX BERG, O-35-524,
Pathologist assigned to War Crimes Investigating
Team 6830, Headquarters Seventh US Army, who is
known to me, and who being by me first duly sworn
and deposed and stated on oath as follows:

I have been assigned to War Crimes Investigating
Team 6830 by duly constituted authority; I was
present at the time and directed and supervised
the taking of the photograph affixed to the reverse
hereto, which photograph has been marked by me
Exhibit I and bears my personal signature; said
photograph was taken on the 26th day of September
1945 at the plot of woods located 1 kilometer north
of NEUKIRCHEN (Kreis Rhine-Tupper) (WF5176),
Germany. It is a true and correct reproduction
of and accurately depicts the following scene as
it appeared at said time and place: A view of the
bullet removed from the head of the unknown British
flyer (Body B) and a ruler which measures in inches.

(SGD) MAX BERG

Capt. MC

War Crimes Investigating Team 6830

Subscribed and sworn to before me, the undersigned
authority on this 16th day of October 1945 at Bad
Neuenahr, Germany.

(SGD) LESTER C. HIGGINS

Capt. CE

Investigating Officer.

EXHIBIT "J"

R.E. MCBURNEY, A/V/M
President

MAP OF

DUSSELDORF AREA

Scale 1:250,000

SHEET K. 52

Issued by

Geographical Section
General Staff No. 4346

Published by War Office, 1944

Sheet 4908
Map
First U.S. Army

R. E. MOOREHEAD, "V/M"
President

EXHIBIT "A"

EXHIBIT "L"

R.E. MCBURNEY, A/V/M
President

First U.S. Army

Map

Sheet 4907

EXHIBIT "M"

R.E. MCBURNEY, A/V/M
President

Freehand sketch drawn by

ROBERT HOLZER

showing the area where
(1) Second flier was shot
(2) Third flier was shot

NOTE: These sketches appear on
reverse sides of paper.

EXHIBIT "H"

R.F. McBurney, A/C/L
President

SWORN STATEMENT OF

WALTER WEIGEL

Place: OPLADEN, Germany
Date: 1 September, 1945

Before me, R.F. APOITE, Capt. Inf., G-406762, Hq. Seventh US Army, being authorized to administer oaths, personally appeared Walter WEIGEL of OPLADEN, Germany, who having been first duly sworn by me through the interpreter, Eugene C. ERNST Tec 5 ASN 33835145, Hq Seventh US Army, made and subscribed the following statement:

Mein Name ist Walter WEIGEL. Ich bin 40 Jahre alt, verheiratet, habe 1 Kind, bin Maschinenschlosser von Beruf und wohne in OPLADEN, Herbert-Maxims-Str. 4

Nachmittage, ungefähr zwischen 3 und 4 Uhr, Ende März war ich, Willi OSSENBACH, Josef CASPERS, Peter NOLDEN und Hubert BROICHHAUS auf Wache in der Kreisleitung OPLADEN als Mitglieder der Politischen Staffeln. Zu dieser Zeit wurden 3 kanadische Flieger in das Wachzimmer gebracht, und zwar von einem Wehrmacht-Leutnant und einem Feldwebel und wurden dort gehalten etwa 3 Stunden.

In etwa 3 Stunden wurden 2 davon abgeführt in Begleitung von dem Leutnant, dem Feldwebel, und BROICHHAUS. Diese drei Mann kamen eine Stunde später wieder ohne die Flieger. Dann ungefähr 7 Uhr bin ich, OSSENBACH, der Leutnant, der Feldwebel und der dritte Flieger abgeführt in Richtung Leichlingen. In dem Wald kurz vor Leichlingen hielten wir und stiegen aus. OSSENBACH und ich haben dann den Flieger zu einem bestimmten Platz geführt unter dem Befehl des Leutnants und setzten ihn auf den Boden. Ich zog mich dann zurück und hörte wie der Leutnant dem Feldwebel befahl, dass er den Flieger erschossen solle. Dann sah ich, wie der Feldwebel den Flieger in den Kopf schoss, aus einer Entfernung von etwa einem Meter. Wir vier fuhren dann wieder zurück zur Kreisleitung. Den nächsten Morgen hat WINKELS, der Chef der Wache, uns den Befehl gegeben, den Flieger zu beerdigen. Der Name des Leutnants, der den Befehl gab, den Flieger zu erschossen, ist SCHÄFER. Der Name des Feldwebels ist mir unbekannt. Ich weiss, wo wir den Flieger beerdigten. Ich denke, dass die anderen zwei Flieger in derselben Weise erschossen wurden. BROICHHAUS und CASPERS sagten mir, dass sie die beiden anderen Flieger beerdigt hatten. Obige bezeugte Erklärung habe ich aus freiem Willen gemacht und ich konnte die Aussage verweigern, wenn ich es gewünscht hätte.

/s/ Walter Weigel

Subscribed and sworn to before me at OPLADEN, Germany, this 1st day of September, 1945.

A CERTIFIED TRUE COPY

EUGENE C. ERNST, Interpreter

/s/ R.F. APOITE
/t/ R.F. APOITE
Capt. Inf.

Investigating Officer

Exhibit 3 Page of Pages

I, Eugene C. ERNST, Tec 5, ASN 33835145, Hq Seventh US Army, War Crimes Det in French Occup Germany, APO 758, US Army, having been duly sworn, state: that I acted as sworn interpreter in this matter; that I truly translated the oath administered by R. F. APONTE, Capt, Inf, O-406762, Hq Seventh US Army, War Crimes Det in French Occup Germany, to Walter WEIGEL, that thereupon he made and subscribed the foregoing statement in my presence and that the following is a true and correct translation of said statement to the best of my knowledge and ability:

My name is Walter WEIGEL. I am 40 years old, married, have one child; my occupation is machinist, and I live in OPLADEN, Herbert Norkus str. 4.

In the afternoon, between the hours of three and four, during the end of March, I, Willie OSSENBACH, Josef CASPERS, Peter NOLDEN, and Hubert BROICHHAUS, were on guard duty at the Kreisleitung OPLADEN, as members of the Politische Staffel. During this time 3 Canadian fliers were brought into the guard room by a Wehrmacht lieutenant and a sergeant and were detained there about three hours.

In about three hours two of the airmen were led away by the lieutenant, the sergeant, and BROICHHAUS. About one-half hour later, the three returned without the fliers. Then at about 7 pm I, OSSENBACH, the lieutenant, the sergeant, and the third flier drove off in the direction of LEICHLINGEN. In the woods just before LEICHLINGEN we halted and dismounted. OSSENBACH and I then led the flier to a spot designated by the lieutenant and set him on the ground. I then stepped back and heard the lieutenant order the sergeant to shoot the flier to death. Then I saw the sergeant shoot the flier in the head from a distance of about 1 meter. The four of us then rode back to the Kreisleitung. The next morning WINKELS, the sergeant of the guard, ordered us to go out and bury the flier. The name of the lieutenant that gave the order to shoot the flier is SCHAEFER. The name of the sergeant is unknown to me. I know where we buried the flier. I think that the other two fliers were shot in the same manner. CASPERS and BROICHHAUS told me that they had buried the other two fliers.

The above statement I made of my own free will, and I could have refused to answer if I so desired.

/s/ Walter Weigel

"Sgt"

EUGENE C. ERNST, Interpreter

Subscribed and sworn to before me at OPLADEN, Germany, this 1st day of September, 1945.

"Sgt"

R.F. APONTE

Capt Inf

Investigating Officer

Exhibit 3 Page ____ of ____ Pages

EXHIBIT "O"
R.E. McBurney A/V/M.
President

SWORN STATEMENT OF

CAPT. R.F. AFONTE

Place: Bad Godesberg, Germany
Date: 18 September 1945

Before me, Leon Simon, 1st Lt. Inf 0-1295952, WCB FOG.
HQ, 7th US ARMY, being authorized to administer oaths,
personally appeared Capt. R.F. AFONTE, O-406762, War Crimes
Detachment, French occupied Germany, 7th US Army,
who having been first duly sworn by me, made and sub-
scribed the following statement:

On 13 September 1945, assisted by Tec 5 Bernard
SCHWELINKAMP, ASN 39/08711, Hq Seventh US Army, War
Crimes Detachment in French Occupied Germany, interpreter,
I interrogated ROBERT HOELZER and HUBERT BROICHHAUS at
the city jail, OPLADEN, Germany. (WFA 74).

The first suspect to be interrogated was BROICHHAUS.
At the beginning of the interview I instructed him,
through the interpreter, of his right to remain silent
if he so desired and that any statement made by him
might be used against him at a later date. Having been
asked if he understood his rights, he stated that he did.
He was then interrogated in connection with his partici-
pation in the alleged murder of one of three Canadian
fliers near Opladen, during the later part of March 1945.
He denied having anything to do with the matter. He was
then confronted with witnesses WILLI OSSENBACH and WALTER
WEIGEL. The joint interrogation of these two witnesses
and of BROICHHAUS was continued and finally BROICHHAUS
admitted that he had shot one of the fliers. At this
stage of the proceedings, in the presence of OSSENBACH
and WEIGEL, I asked BROICHHAUS, through the interpreter,
if he was willing to make a written statement covering
the same admissions he had made verbally. I told him
that he did not have to do it if he so desired. BROICHHAUS
kept silent for a few seconds and then he said he would
make a written confession. Thereupon I took him to his
cell and left him alone to write his own statement.

I then interrogated ROBERT HOELZER. The proceedings
were an exact repetition of the interrogation of BROICH-
HAUS. He was warned of his rights, told of the charge
against him and subsequently confronted with the two
witnesses after he denied his guilt. A joint interrogation
of these two witnesses and of HOELZER brought about a con-
fession by HOELZER that he shot one of the three fliers.
I warned him of his rights again and asked for a written
statement. He stated he would make one and I took him to
his cell and left him alone writing his confession.

The confession signed and sworn to by BROICHHAUS,
though valid, was found to contain too much irrelevant
matter while not making sufficiently clear some other
points which I considered important. The same was true of
HOELZER's confession. For that reason each one of them was
subsequently interviewed on the same matter and they wrote
their confessions, which are appended to the original of
this case, as the interrogation progressed.

The interviews with HOELZER and BROICH-AUS were conducted at all times without threat, coercion or force. Their verbal admissions and subsequent written confessions were made by them voluntarily and, in my belief, with the full understanding that they did not have to make them if they so desired.

"Sgd R. F. AFONTE "
Captain INF
Investigating Officer

~~They~~ and subscribed to before me this 18th Day of Sept-
~~ember 1944~~ at Bad Godesberg, Germany

"Sgd Leon Simon, 1st Lt. INF"
War Crimes Det. FOG
HQ. 7th US Army.

EXHIBIT "P"
R.E. McBurney A/V/M
President.

FLIEGE
↓
C
1 SOLDAT
5-6
↓
CAPTAIN
FELLOW REBEL

EXHIBIT "Q"
R.E. McBurney, A/V/M
President

Statement and evidence

of Gustav Scheinweiler, Opladen, Herbert Norkusstr.,
now Friedrich Ebertstr. 4, born the 30th of December
1906 in Opladen for : Walter Weigel.

Since the year 1937 I'm living in the same house
with Walter Weigel. I know him since this time and
I became acquainted with him always as a respectable
and honest - even as a calm man. I've never known
about him that he as had any quarrels a.s.o.
In political respect I've had the impression that
W. never was a nationalsocialist but that he was
only a babblar. As I know he had the job of a
Blockleiter within the party. I've never had many
conversations with him. His wife told me already
before the war that her husband (Weigel) only
did join the party in order to get employment.
I can give him only the best testimony in every
respect.

Opladen, 30. March 1946.

signed Gustav Scheinweiler

As witness for the signature :

Signed Rudolf Diekhöfer

" O. Inlanks F/S.

Aussage und Zeugnis

of Gustav Scheinweiler, Opladen, Herbert Norkusstr.
jetzt Friedrich Ebertstr. 4 für: Walter Weigel.

Seit dem Jahre 1937 wohne ich mit Walter Weigel
im selben Haus. Seit dieser Zeit kenne ich ihn
und habe ihn immer nur als einen anständigen und
ehrlichen sogar stillen Mann kennen gelernt.
Streitigkeiten u.s.w. habe ich nie von ihm gekannt.
In politischer Hinsicht habe ich von ihm das Gefühl
gehabt, dass er nie Nationalsozialist war, sondern
nur ein Nachplapperer war. Soviel ich weiss hatte
er in der Partei das Amt eines Blockleiters. Viele
Unterredungen habe ich mit ihm nie gehabt. Seine
Frau hat mir vor dem Krieg schon erzählt, dass ihr
Mann (Weigel) nur in die Partei eingetreten sei, um
Arbeit zu erhalten. In jeder Hinsicht kann ich
ihm nur das beste Zeugnis ausstellen.

Opladen, 30 März 1946.

gez. Gustav Scheinweiler

Als Zeuge für die Unterschrift:

gez. Rudolf Diekhöfer

gez. O. Inlanks F/S.

EXHIBIT "R"
R.E. McBurney L/V/H
President

Statement of evidence

of Franz Dibowski, Opladen, Herbert Norkus Street,
now Friedrich Ebertstr. 4, born the 17th of January
1893 in Blauzig for: Walter Weigel.

I'm living together with Walter Weigel within the
same house since about 15 years. I know Weigel only
as a good and honest man. He was unemployed at that
time. In order to get employment he joined to the
NSDAP and became a member of the party although he
was and remained always an opponent of the national-
socialism. Myself I have never had with him any
political conversations. I've also never heard by
nobody any complaints about him.

Opladen, 30. March 1946.

signed Franz Dibowski

As witness for the signature:
signed Rudolf Diekhöfer
" O. Inlerks F/S.

Aussage und Zeugnis

of Franz Dibowski, Opladen, Herbert Norkus Strasse,
jetzt Friedrich Ebertstr. 4, geboren am 17. Jan. 1893
in Blauzig für : Walter Weigel.

Ich lebe seit ca 15 Jahren mit Walter Weigel in
solben Haus. Den Weigel kenne ich nur als einen guten
und ehrlichen Mensch. Er war seiner Zeit arbeitslos.
Um Arbeit zu erhalten, hat er sich in die NSDAP als
Mitglied aufnehmen lassen, obwohl er stets Gegner des
Nationalsozialismus war und immer geblieben ist.
Selbst habe ich nie politische Unterredungen mit ihm
gehabt. Habe auch nie etwas von jemanden erfahren,
dass irgendeine Klage über ihn laut geworden ist.

Opladen, 30 März 1946

gez. Franz Dibowski

Als Zeuge für die Unterschrift :
gez. Rudolf Diekhöfer
" O. Inlerks F/S.

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 25th March 46

I certify that Heelzer Robert was medically
examined by me at 1120 hours on 25/3/46
and is fit to undergo trial by Military Court.

Signature (sgd) DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 25th March 46

I certify that Weigel, Walter was medically
examined by me at 1130 hours on 25/3/46
and is fit to undergo trial by Military Court.

Signature (sgd) DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 25th March 46

I certify that Ossenbach, Wilhelm was medically
examined by me at 1140 hours on 25/3/46
and is fit to undergo trial by Military Court.

Signature (sgd) DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

I consent to the services of Dr. Schapp as my Defence
Counsel, and to Sgt. Bushkowsky as Interpreter.

(Sgd) Robert Hölzer
(Holzer)

(sgd) RE McBurney A/V/M
President

I consent to the services of Dr. DeWall as my Defence
Counsel and to Sgt. Plaus as Interpreter.

(sgd) Walter Weigel
(Weigel)

(sgd) RE McBurney A/V/M
President

I consent to the services of Dr. Plenter as my
Defence Counsel, and to Sgt. Horbach as Interpreter.

(sgd) Willi Ossenbach
Ossenbach

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 1st April, 1946

I certify that Hoolzer, Robert was medically
examined by me at 0830 hours on 1-4-46
and is fit to undergo trial by Military Court.

Signature _____ S/L
for (D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 1st April, 1946

I certify that Weigel, Walter was medically
examined by me at 0830 hours on 1-4-46
and is fit to undergo trial by Military Court.

Signature _____ S/L
for (D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 1st April, 1946

I certify that Ossenbach, Wilhelm, was medically
examined by me at 0830 hours on 1-4-46
and is fit to undergo trial by Military Court.

Signature _____ S/L
for (D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 2nd April, 1946

I certify that Hoelzer, Robert was medically
examined by me at 0845 hours on 2-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 2nd April, 1946

I certify that Weigel, Walter was medically
examined by me at 0850 hours on 2-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

I certify that Osagenbach, Wilhelm, was medically
examined by me at 0855 hours on 2-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 3rd April, 1946

I certify that Hoelzer, Robert was medically
examined by me at 0845 hours on 3-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 3rd April, 1946

I certify that Weigel, Walter was medically
examined by me at 0855 hours on 3-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 3rd April, 1946

I certify that Ossenbach, Wilhelm was medically
examined by me at 0850 hours on 3-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 4th April, 1946

I certify that Hoelzer, Robert was medically
examined by me at 0830 hours on 4-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 4th April, 1946

I certify that Weigel, Walter was medically
examined by me at 0840 hours on 4-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 4th April, 1946

I certify that Ossenbach, Wilhelm was medically
examined by me at 0850 hours on 4-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 5th April, 1946

I certify that Hjalmer, Robert was medically
examined by me at 0835 hours on 5-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 5th April, 1946

I certify that Voigel, Walter was medically
examined by me at 0835 hours on 5-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/O
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 5th April, 1946

I certify that Ossenbach, Wilhelm was medically
examined by me at 0830 hours on 5-4-46
and is fit to undergo trial by Military Court

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 6th April, 1946

I certify that Hoelzer, Robert was medically
examined by me at 0835 hours on 6-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 6th April, 1946

I certify that Walter Weigel was medically
examined by me at 0840 hours on 6-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

CERTIFICATE OF MEDICAL EXAMINATION

Date: 6th April, 1946

I certify that Ossenbach, Wilhelm was medically
examined by me at 0830 hours on 6-4-46
and is fit to undergo trial by Military Court.

Signature DG Nelson W/C
(D.G. Nelson) Wing
Commander

(sgd) RE McBurney A/V/M
President

MEMORANDUM

FROM: O.C. RCAF War Crimes Admin. Unit.

TO: Dr. Schapp,
German Defence Counsel,
Opladen Case, W/C Cattanaach
for info

DATE: 2nd April, 1946.

Request for Witness

1. Reference is made to your request dated 1st April/46, for one Jakobs, formerly an Obert. in the German General Staff, as a defence witness.
2. I immediately contacted the Intelligence Section, 30 Br. Corps with regard to locating this man. I have been informed today by 30 Br. Corps that the individual described by you is not listed in their records. He further stated that he contacted the Rhine Army H.Q. and that they have no record of such a person. He further stated, that therefore it was conceivable this person has not been taken into custody. As you were unable to give me any address for this person, further efforts in this regard cannot be proceeded with.
3. 30 Br. Corps did say however, that they have a record of one Ferdinand Jakobs, formerly an Obersturmfuhrer in the Waffen S.S. He is listed as a Belgian citizen, and his last address was Antwerp. It is thought that this individual is now in custody in some internment camp.
4. Would you advise please, whether or not you feel this is the individual you want, and whether you wish me to endeavour to obtain him.

(sgd) T.W. O'Brien
(T.W. O'Brien) W/C,
Officer Commanding,
RCAF War Crimes Admin. Unit,
AURICH, Germany.

M E M O R A N D U M

FROM: O.C., RCAF War Crimes Admin. Unit.

TO: Dr. Schapp,
German Defence Counsel.

DATE: 5th April, 1946.

Witnesses for Case against Holzer

1. Reference is made to your Memorandum to me, dated 3rd April/46, and subsequent memo giving further detail in regard to one of the witnesses, dated 4th April/46.
2. As discussed with you yesterday morning, every effort has been made to obtain Oberst Jakobs, and as you agreed, this individual cannot be traced.
3. In regard to the Polizeimeister in Wormiskirchen, the Military Government have been contacted and instructed to make inquiries with regard to this man, and as soon as information is received from the Mil Gov, you will be advised. You will appreciate that, without the Polizeimeister's name or description, it will be most difficult to trace him.
4. In regard to Feldwebel Korlich, you state that you are unable to give his address or information, therefore, for that reason I am unable to obtain him. The same also applies to the interpreter which you mentioned in para.4.

"T.W. O'BRIEN"
(T.W. O'Brien) W/C,
Officer Commanding,
RCAF War Crimes Admin. Unit,
AURICH, Germany.

Dr. Schapp
Rechtsanwalt und Notar

Aurich, den 3 April,
1946.

"R.E. McBURNEY A/V/A"
President.

//C O'Brien

In reference to the charge against Holzer

I ask you to call the following witnesses:

- I. First of all Oberst Jakobs, who in March, 1945 was a member of a Unit of the Army of Field Marshal Model, Qu.11 by Oberquartiermeister. The Oberquartiermeister was stationed in Opladen in the Finance Office. Oberst Jakobs was Generalstabsoffizier. At present I am looking for his home address. I believe that Oberst Jakobs was acquainted with all the officers of that unit of Field Marshal Model's and many other high ranking officers in Model's Army, so that quite likely an enquiry in a camp with high ranking officers, would disclose the home address of Oberst Jakobs. Because of the high position of Oberst Jakobs, it is to be expected that many other officers of the General Staff were acquainted with him, and could give information about his home address.
- II. Polizeimeister X in Wermeiskirchen, who was the Chief of Police of Wermeiskirchen near Opladen in March 1945. At that time there was two Chiefs of Police in Wermeiskirchen. One of the Chiefs of Police is reported to have received Holzer of both these prisoners. I am attempting to obtain a more accurate description of the Polizeimeister concerned, from Holzer, so that I will be able to distinguish him from the second Polizeimeister.
- III. Feldwebel Korlich. At the present time I can give information concerning the above mentioned.
- IV. The Interpreter, who in September 1944 did the interpretation of Holzer's interrogation by the Americans. The statement of this Interpreter will be confirmed by the account of the representative of the charge.

Sgd: Dr. Schapp,
Rechtsanwalt

//C O'Brien.

The Polizeimeister who received the two English flyers (with their equipment) on the evening of the 20th March, 1945 from Holzer was a small elderly gentleman with interwoven shoulder flaps. The handing over followed in the police prison cell in Wermeiskirchen. On the floor was a writing stand. Both flyers came into the first cell on the right. The handing over certificate was received by Ofw. Korlich and it stayed in Wermeiskirchen or in the surrounding area. After that, Holzer drove back to Opladen. Most likely there was just one Polizeimeister in Wermeiskirchen. Most likely he lived in the prison block on the first floor.

Aurich, 4th April/46.

Signed: Dr. Schapp.